

ACTS
AND
RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1893,

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,
LIST OF THE CIVIL GOVERNMENT, TABLES SHOWING
CHANGES IN THE STATUTES, CHANGES OF
NAMES OF PERSONS, ETC., ETC.

PUBLISHED BY THE
SECRETARY OF THE COMMONWEALTH.



BOSTON :
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
No. 18 Post Office Square.
1893.

A CONSTITUTION

OR

FORM OF GOVERNMENT

FOR THE

Commonwealth of Massachusetts.

PREAMBLE.

The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquillity their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

Objects of
government.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

Body politic,
how formed,
its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peaceably, without fraud, violence, or surprise, of entering into

an original, explicit, and solemn compact with each other ; and of forming a new constitution of civil government, for ourselves and posterity ; and devoutly imploring His direction in so interesting a design, do agree upon, ordain, and establish, the following *Declaration of Rights, and Frame of Government*, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and natural rights of all men.

ARTICLE I. All men are born free and equal, and have certain natural, essential, and unalienable rights ; among which may be reckoned the right of enjoying and defending their lives and liberties ; that of acquiring, possessing, and protecting property ; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship. Protection therein.
2 Cush. 104.
12 Allen, 129.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping GOD in the manner and season most agreeable to the dictates of his own conscience ; or for his religious profession of sentiments ; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Amendment, Art. XI. substituted for this.

III. [As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion, and morality ; and as these cannot be generally diffused through a community but by the institution of the public worship of GOD, and of public instructions in piety, religion, and morality : Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of GOD, and for the support and maintenance of public Protestant teachers

Legislature empowered to compel provision for public worship ;

of piety, religion, and morality, in all cases where such provision shall not be made voluntarily.

And the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

and to enjoin attendance thereon.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, etc.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

All denominations equally protected.
8 Met. 162.
Subordination of one sect to another prohibited.

IV. The people of this commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter be, by them expressly delegated to the United States of America, in Congress assembled.

Right of self-government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.

Accountability of all officers, etc.

VI. No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children, or descendants, or relations by blood, the idea of a man

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

born a magistrate, lawgiver, or judge, is absurd and unnatural.

Objects of government; right of people to institute and change it.

VII. Government is instituted for the common good; for the protection, safety, prosperity, and happiness of the people; and not for the profit, honor, or private interest of any one man, family, or class of men: Therefore the people alone have an incontestible, unalienable, and infeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness require it.

Right of people to secure rotation in office.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

All, having the qualifications prescribed, equally eligible to office. For the definition of "inhabitant," see Ch. 1, Sect. 2, Art. II. Right of protection and duty of contribution relative.

IX. All elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

122 Mass. 595, 596.

Taxation founded on consent.
16 Mass. 326.
1 Pick. 418.
7 Pick. 344.
12 Pick. 184, 467.
16 Pick. 87.
23 Pick. 360.
7 Met. 388.
4 Gray, 474.
7 Gray, 363.
14 Gray, 154.
1 Allen, 150.
4 Allen, 474.
Private property not to be taken for public uses without, etc.
6 Cush. 327.
14 Gray, 155.
16 Gray, 417, 431.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

1 Allen, 150.	103 Mass. 120, 624.	113 Mass. 45.	127 Mass. 50, 52,
11 Allen, 530.	106 Mass. 356, 362.	116 Mass. 463.	358, 363, 410, 413.
12 Allen, 223, 230.	108 Mass. 202, 213.	126 Mass. 428, 441.	129 Mass. 559.
100 Mass. 544, 510.	111 Mass. 130.		

Remedies, by recourse to the law, to be free, complete and prompt.

XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it;

completely, and without any denial; promptly, and without delay; conformably to the laws.

XII. No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially, and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

107 Mass. 172, 180. 118 Mass. 443, 451. 122 Mass. 332. 127 Mass. 550, 554.
108 Mass. 5, 6. 120 Mass. 118, 120. 124 Mass. 464. 129 Mass. 559.

Prosecutions regulated.
8 Pick. 211.
10 Pick. 9.
18 Pick. 434.
21 Pick. 542.
2 Met. 329.
12 Cush. 246.
1 Gray, 1.
5 Gray, 160.
8 Gray, 329.
10 Gray, 11.
11 Gray, 438.
2 Allen, 361.
11 Allen, 238-240, 264, 439, 473.
12 Allen, 170.
97 Mass. 570, 573.
100 Mass. 287, 295.
103 Mass. 418.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

Right to trial by jury in criminal cases, except, etc.
8 Gray, 329, 373.
103 Mass. 418.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.

Crimes to be proved in the vicinity.
2 Pick. 550.
121 Mass. 61, 62.

XIV. Every subject has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure: and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.

Right of search and seizure regulated.
Const. of U. S., Amend't IV.
2 Met. 329.
5 Cush. 369.
1 Gray, 1.
13 Gray, 454.
10 Allen, 403.
100 Mass. 136, 139.
126 Mass. 269, 273.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, etc.
Const. of U. S., Amend't VII.
2 Pick. 382.
7 Pick. 366.
5 Gray, 144.
8 Gray, 373.
11 Allen, 574, 577.
102 Mass. 45, 47.

114 Mass. 388, 390. 122 Mass. 505, 516. 125 Mass. 182, 188.
120 Mass. 320, 321. 123 Mass. 590, 593. 128 Mass. 600.

Liberty of the press.

XVI. The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this commonwealth.

Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil. 5 Gray, 121.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Moral qualifications for office.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the commonwealth.

Moral obligations of lawgivers and magistrates.

Right of people to instruct representatives and petition legislature.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, etc., and reason thereof.

XXI. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent. 8 Allen, 247.

XXIII. No subsidy, charge, tax, impost, or duties ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people or their representatives in the legislature.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

Ex post facto
laws prohibited.
12 Allen, 421,
424, 428, 434.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Legislature not
to convict of
treason, etc.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

Excessive bail or
fines, and cruel
punishments,
prohibited.
5 Gray, 482.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

No soldier to be
quartered in any
house, unless,
etc.

XXVIII. No person can in any case be subject to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Citizens exempt
from law-mar-
tial, unless, etc.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries ascertained and established by standing laws.

Judges of su-
preme judicial
court.
3 Pick. 471.
1 Gray, 472.
4 Allen, 591.
7 Allen, 385.
105 Mass. 219,
221, 225.
Tenure of their
office.

Salaries.

XXX. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

Separation of
executive, judi-
cial, and legis-
lative depart-
ments.
2 Cush. 577.
2 Allen, 361.
8 Allen, 247, 253.
100 Mass. 282,
286.
114 Mass. 247,
249.
116 Mass. 317.
129 Mass. 559.

PART THE SECOND.

The Frame of Government.

Title of body
politic.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body politic, or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

Legislative
department.

ARTICLE I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other.

For change of
time, etc., see
amendments,
Art. X.

The legislative body shall assemble every year [on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May;] and shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

Governor's veto.
99 Mass. 636.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated; who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve. But if after such reconsideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases,

Bill may be
passed by two-
thirds of each
house, notwith-
standing.

the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes, and things, whatsoever, arising or happening within the commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same: whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixed; and for the awarding and making out of execution thereupon. To which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, either with penalties or without; so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws for the naming and settling, all civil officers within the said commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to

For exception in case of adjournment of the general court within the five days, see amendments, Art. I. 3 Mass. 567.

General court may constitute judicatories. courts of record, etc. 8 Gray, 1. 12 Gray, 147, 154.

Courts, etc., may administer oaths.

General court may enact laws, etc.

9 Gray, 426.
4 Allen, 473.
12 Allen, 223, 237.
100 Mass. 544, 557.
116 Mass. 467, 470.

may enact laws, etc., not repugnant to the constitution. 6 Allen, 358.

may provide for the election or appointment of officers. 115 Mass. 602.

may prescribe their duties.

may impose taxes, etc.
 12 Mass. 252.
 5 Allen, 428.
 6 Allen, 558.
 8 Allen, 247, 253.
 10 Allen, 235.
 11 Allen, 268.
 12 Allen, 77, 223,
 235, 233, 240, 298,
 300, 312, 313, 500,
 612.
 98 Mass. 19.
 100 Mass. 285.
 101 Mass. 573,
 585.
 103 Mass. 267.
 114 Mass. 388,
 391.
 116 Mass. 461.
 118 Mass. 386,
 389.
 123 Mass. 493,
 495.
 127 Mass. 413.

may impose taxes, etc., to be disposed of for defence, protection, etc.
 8 Allen, 247, 256.
 Valuation of estates once in ten years, at least, while, etc.
 8 Allen, 247.
 126 Mass. 547.

this constitution; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise, and commodities, whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

For the authority of the general court to charter cities, see amendments, Art. II.

CHAPTER I.

SECTION II.

Senate.

Senate, number of, and by whom elected.
 Superseded by amendments, Art. XIII., which was also superseded by amendments, Art. XXII.

ARTICLE I. [There shall be annually elected, by the freeholders and other inhabitants of this commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators for the year ensuing their election; to be chosen by the inhabitants of the districts into which the commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the commonwealth the limits of each district, and the number of councillors and senators to be chosen therein; provided, that the number of such districts shall never be less than thir-

For provision as to councillors, see amendments, Art. XVI.

teen; and that no district be so large as to entitle the same to choose more than six senators.

And the several counties in this commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes County and Nantucket shall form one district for that purpose) and shall elect the following number for councillors and senators, viz. : — Suffolk, six; Essex, six; Middlesex, five; Hampshire, four; Plymouth, three; Barnstable, one; Bristol, three; York, two; Dukes County and Nantucket, one; Worcester, five; Cumberland, one; Lincoln, one; Berkshire, two.]

Counties to be districts, until, etc.

II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz. : there shall be a meeting on the [first Monday in April,] annually, forever, of the inhabitants of each town in the several counties of this commonwealth; to be called by the selectmen, and warned in due course of law, at least seven days before the [first Monday in April,] for the purpose of electing persons to be senators and councillors; [and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate within the commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word “inhabitant” in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this state, in that town, district, or plantation where he dwelleth, or hath his home.

Manner and time of choosing senators and councillors. See amendments, Arts. X. and XV. As to cities, see amendments, Art. II. Provisions as to qualifications of voters, superseded by amendments, Arts. III., XX., XXVIII., XXX., XXXI. and XXXII.

Word “inhabitant” defined. See also amendments, Art. XXIII., which was annulled by Art. XXVI. 12 Gray, 21. 122 Mass. 595, 597.

The selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name: and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the commonwealth for the time being, with a superscription, expressing the purport

Selectmen to preside at town meetings.

Return of votes

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January. See amendments, Art. X.

Inhabitants of unincorporated plantations, who pay state taxes, may vote.

Plantation meetings. Time of election changed by amendments, Art. XV. Assessors to notify, etc.

Governor and council to examine and count votes, and issue summonses. Time changed to first Wednesday in January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

Senate to be final judge of elections, etc., of its own members.

of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May] annually; or it shall be delivered into the secretary's office seventeen days at least before the said [last Wednesday in May:] and the sheriff of each county shall deliver all such certificates by him received, into the secretary's office, seventeen days before the said [last Wednesday in May.]

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held annually [on the same first Monday in April], at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated (qualified as aforesaid) who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators in the town where they shall be assessed, and be notified of the place of meeting by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

III. And that there may be a due convention of senators on the [last Wednesday in May] annually, the governor with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day he shall issue his summons to such persons as shall appear to be chosen by [a majority of] voters, to attend on that day, and take their seats accordingly: provided, nevertheless, that for the first year the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as

pointed out in the constitution; and shall, [on the said last Wednesday in May] annually, determine and declare who are elected by each district to be senators [by a majority of votes; and in case there shall not appear to be the full number of senators returned elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be, after such vacancies shall happen.]

Time changed to first Wednesday of January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

Vacancies, how filled. Changed to election by people. See amendments, Art. XXIV.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seised in his own right of a freehold, within this commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Qualifications of a senator. Property qualification abolished. See amendments, Art. XIII. For further provision as to residence, see also amendments, Art. XXII.

VI. The senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

Senate not to adjourn more than two days.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

shall choose its officers and establish its rules.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the commonwealth, for misconduct and mal-administration in their offices. But previous to the trial of every impeachment the members of the senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place

shall try all impeachments.

Oath.

Limitation of sentence.

of honor, trust, or profit, under this commonwealth; but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

Quorum.
See amend-
ments, Arts.
XXII. and
XXXIII.

IX. [Not less than sixteen members of the senate shall constitute a quorum for doing business.]

CHAPTER I.

SECTION III.

House of Representatives.

Representation
of the people.

ARTICLE I. There shall be, in the legislature of this commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representa-
tives, by whom
chosen.
Superseded by
amendments,
Arts. XII. and
XIII., which
were also
superseded by
amendments,
Art. XXI.
7 Mass. 523.

II. [And in order to provide for a representation of the citizens of this commonwealth, founded upon the principle of equality, every corporate town containing one hundred and fifty ratable polls may elect one representative; every corporate town containing three hundred and seventy-five ratable polls may elect two representatives; every corporate town containing six hundred ratable polls may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.]

Proviso as to
towns having
less than 150
ratable polls.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.]

Towns liable to
fine in case, etc.

And the house of representatives shall have power from time to time to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

Expenses of
travelling to
and from the
general court,
how paid.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.

Qualifications of
a representa-
tive.

III. Every member of the house of representatives shall be chosen by written votes; [and, for one year at

least next preceding his election, shall have been an inhabitant of, and have been seised in his own right of a freehold of the value of one hundred pounds within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.]

IV. [Every male person, being twenty-one years of age, and resident in any particular town in this commonwealth for the space of one year next preceding, having a freehold estate within the said town of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

V. [The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

VI. The house of representatives shall be the grand inquest of this commonwealth; and all impeachments made by them shall be heard and tried by the senate.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

IX. [Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

X. The house of representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker; appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault, or arrest, any witness, or other person, ordered to attend the

New provision as to residence. See amendments, Art. XXI.
Property qualifications abolished by amendments, Art. XIII.

Qualifications of a voter. These provisions superseded by amendments, Arts. III., XX., XXVIII., XXX., XXXI. and XXXII.
See also amendments, Art. XXIII., which was annulled by Art. XXVI.
Representatives, when chosen.

House alone can impeach.

House to originate all money bills.

Not to adjourn more than two days.

Quorum. See amendments, Arts. XXI. and XXXIII.

To judge of returns, etc., of its own members; to choose its officers and establish its rules, etc.
May punish for certain offences.
14 Gray, 226.

house, in his way in going or returning ; or who shall rescue any person arrested by the order of the house.

Privileges of members.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending the general assembly.

Senate.
Governor and council may punish.
General limitation.
14 Gray, 226.

XI. The senate shall have the same powers in the like cases ; and the governor and council shall have the same authority to punish in like cases : provided, that no imprisonment on the warrant or order of the governor, council, senate, or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Trial may be by committee, or otherwise.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

Governor.

ARTICLE I. There shall be a supreme executive magistrate, who shall be styled — THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS ; and whose title shall be — HIS EXCELLENCY.

His title.
To be chosen annually.
Qualifications.
[See amendments, Arts. VII. and XXXIV.]

II. The governor shall be chosen annually ; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceding ; [and unless he shall at the same time be seised, in his own right, of a freehold, within the commonwealth, of the value of one thousand pounds ;] [and unless he shall declare himself to be of the Christian religion.]

By whom chosen, if he have a majority of votes.

III. Those persons who shall be qualified to vote for senators and representatives within the several towns of this commonwealth shall, at a meeting to be called for that purpose, on the [first Monday of April] annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings ; and the town clerk, in the presence and with the assistance of the selectmen, shall,

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the [last Wednesday in May]; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said [last Wednesday in May]; or the selectmen may cause returns of the same to be made to the office of the secretary of the commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives on the [last Wednesday in May], to be by them examined; and [in case of an election by a majority of all the votes returned], the choice shall be by them declared and published; [but if no person shall have a majority of votes, the house of representatives shall, by ballot, elect two out of four persons who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which the senate shall proceed, by ballot, to elect one, who shall be declared governor.]

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January by amendments, Art. X.

Changed to plurality by amendments, Art. XIV.

How chosen, when no person has a majority.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this commonwealth for the time being; and the governor with the said councillors, or five of them at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, agreeably to the constitution and the laws of the land.

Power of governor, and of governor and council.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said

May adjourn or prorogue the general court upon request, and convene the same. As to dissolution, see amendments, Art. X.

court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other, the most convenient place within the state.

As to dissolution, see amendments, Art. X.

Governor and council may adjourn the general court in cases, etc., but not exceeding ninety days.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor to be commander-in-chief.

VII. The governor of this commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the state, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and, for the special defence and safety of the commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue, by force of arms, as well by sea as by land, within or without the limits of this commonwealth, and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprises, and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprize the destruction, invasion, detriment, or annoyance of this commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this commonwealth; and that the governor be intrusted with all these and other powers, incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the state to which they cannot otherwise conveniently have access.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of the council before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

IX. All judicial officers, [the attorney-general,] the solicitor-general, [all sheriffs,] coroners, [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

For provision as to election of sheriffs, registers of probate, etc., see amendments, Art. XIX. For provision as to appointment of notaries public, see amendments, Art. IV.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor, the officers elected.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

For provisions as to appointment of a commissary-general, see amendments, Art. IV.

And if the electors of brigadiers, field officers, captains or subalterns, shall neglect or refuse to make such elec-

Limitation.

Governor and council may pardon offences, except, etc.

But not before conviction.
109 Mass. 323.

Judicial officers, etc., how nominated and appointed.
For provisions as to election of attorney-general, see amendments, Art. XVII.

Militia officers, how elected
Limitation of age struck out by amendments, Art. V.

How commissioned.

Election of officers.

Major-generals, how appointed and commissioned.

Vacancies, how filled, in case, etc.

tions, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly commissioned, how removed. Superseded by amendments, Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the commonwealth for the time being.]

Adjutants, etc., how appointed.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

Army officers, how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this commonwealth shall appoint, as also all officers of forts and garrisons.

Organization of militia.

The divisions of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this commonwealth, until the same shall be altered in pursuance of some future law.

Money, how drawn from the treasury, except, etc. 13 Allen, 593.

XI. No moneys shall be issued out of the treasury of this commonwealth, and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the commonwealth; and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All public boards, etc., to make quarterly returns.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this commonwealth, and all commanding officers of forts and garrisons within the same, shall once in every three months, officially, and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall ex-

hibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, despatches, and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court by a dependence on them for his support, that he should in all cases act with freedom for the benefit of the public, that he should not have his attention necessarily diverted from that object to his private concerns, and that he should maintain the dignity of the commonwealth in the character of its chief magistrate, it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salary of governor.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

Salaries of justices of supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

Salaries to be enlarged if insufficient.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

ARTICLE I. There shall be annually elected a lieutenant-governor of the commonwealth of Massachusetts, whose title shall be—His HONOR; and who shall be qualified, in point of [religion,] property, and residence in the commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of repre-

Lieutenant-governor; his title and qualifications. See amendments, Arts. VII. and XXXIV.

How chosen.

Election by plurality pro-

vided for by
amendments,
Art. XIV.

President of
council.
Lieutenant-
governor a
member of,
except, etc.

Lieutenant-
governor to be
acting governor,
in case, etc.

sentatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which by this constitution the governor is vested with, when personally present.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

Council.
Number of
councillors
changed to
eight.
See amend-
ments, Art.
XVI.

ARTICLE I. There shall be a council for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, according to the laws of the land.

Number; from
whom, and how
chosen.
Modified by
amendments,
Arts. X and
XIII.
Superseded by
amendments,
Art. XVI.

II. [Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

If senators be-
come council-
lors, their seats
to be vacated.

III. The councillors, in the civil arrangements of the commonwealth, shall have rank next after the lieutenant-governor.

Rank of
councillors.

IV. [Not more than two councillors shall be chosen out of any one district of this commonwealth.]

No district to
have more than
two.

Superseded by amendments, Art. XVI.

V. The resolutions and advice of the council shall be recorded in a register, and signed by the members present; and this record may be called for at any time by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of
council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant, by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do, and execute, all and every such acts, matters, and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Council to exer-
cise the power
of governor in
case, etc.

VII. [And whereas the elections appointed to be made, by this constitution, on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

Elections may
be adjourned
until, etc.

Order thereof.
Superseded by
amendments.
Arts. XVI. and
XXV.

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, etc.

ARTICLE I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public, and] naval officers, shall be chosen annually, by joint ballot of the senators and representatives in one room. And, that the citizens of this commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible

Secretary, etc.,
by whom and
how chosen.
For provision as
to election of
secretary, treas-
urer, and re-
ceiver-general,
and auditor and
attorney-gen-
eral, see amend-
ments, Art.
XVII.

Treasurer ineligible for more than five successive years.

as treasurer and receiver-general more than five years successively.

For provision as to appointment of notaries public and the commissary-general, see amendments, Art. IV.

Secretary to keep records; to attend the governor and council, etc.

II. The records of the commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives, in person, or by his deputies, as they shall respectively require.

CHAPTER III.

JUDICIARY POWER.

Tenure of all commissioned officers to be expressed. Judicial officers to hold office during good behavior, except, etc. But may be removed on address.

ARTICLE I. The tenure, that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned, and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

Justices of supreme judicial court to give opinions when required. 122 Mass. 600. 126 Mass. 537, 561.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of the peace; tenure of their office. 3 Cush. 584.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the commonwealth.

Provisions for holding probate courts. 12 Gray, 147.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

V. All causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

Marriage, divorce, and alimony. Other provisions made by law. 105 Mass. 327. 116 Mass. 317.

CHAPTER IV.

DELEGATES TO CONGRESS.

[The delegates of this commonwealth to the congress of the United States, shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives, assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.]

Delegates to congress.

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE AND ENCOURAGEMENT OF LITERATURE, ETC.

SECTION I.

The University.

ARTICLE I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the Christian religion, and the great benefit of this and the other United States of America, — it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise, and enjoy, all the powers, authorities, rights, liberties, privileges, immunities, and franchises, which they now have, or are entitled to

Harvard College.

Powers, privileges, etc., of the president and fellows, confirmed.

have, hold, use, exercise, and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

All gifts, grants,
etc., confirmed.

II. And whereas there have been at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies, and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college by some other description, under several charters, successively; it is declared, that all the said gifts, grants, devises, legacies, and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

Who shall be
overseers.

See Statutes,
1851, 224.
1852, 27.
1859, 212.
1865, 173.
1880, 65.

Power of altera-
tion reserved to
the legislature.

III. And whereas, by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College; and it being necessary, in this new constitution of government to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council, and senate of this commonwealth, are, and shall be deemed, their successors, who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining to the overseers of Harvard College; provided, that nothing herein shall be construed to prevent the legislature of this commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

CHAPTER V.

SECTION II.

The Encouragement of Literature, etc.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.

Duty of legislatures and magistrates in all future periods. For further provisions as to public schools, see amendments, Art. XVIII. 12 Allen, 500-503. 103 Mass. 94, 97.

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, ETC.

ARTICLE I. [Any person chosen governor, lieutenant-governor, councillor, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz. :

Oaths, etc.

“I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seised and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected.”

Abolished. See amendments, Art. VII.

And the governor, lieutenant-governor, and councillors, shall make and subscribe the said declaration, in the pres-

ence of the two houses of assembly ; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution ; and forever afterwards before the governor and council for the time being.]

Declaration and oaths of all officers.

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz. :

For new oath of allegiance, see amendments, Art. VI.

[“ I, A. B., do truly and sincerely acknowledge, profess, testify, and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign, and independent state ; and I do swear, that I will bear true faith and allegiance to the said commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever ; and that I do renounce and abjure all allegiance, subjection, and obedience to the king, queen, or government of Great Britain (as the case may be), and every other foreign power whatsoever ; and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical, or spiritual, within this commonwealth, except the authority and power which is or may be vested by their constituents in the congress of the United States : and I do further testify and declare, that no man or body of men hath or can have any right to absolve or discharge me from the obligation of this oath, declaration, or affirmation ; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation, and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me, God.”]

Oath of office.

“ I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of the commonwealth. So help me, God.”

Providso. See amendments, Art. VI.

Provided, always, that when any person chosen or appointed as aforesaid, shall be of the denomination of the

people called Quakers, and shall decline taking the said oath[s], he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, [*“ I do swear,” “ and abjure,” “ oath or,” “ and abjuration,”* in the first oath, and in the second oath, the words] *“ swear and,”* and [in each of them] the words *“ So help me, God;”* subjoining instead thereof, *“ This I do under the pains and penalties of perjury.”*

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor, and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons and in such manner as from time to time shall be prescribed by the legislature.

Oaths and affirmations, how administered.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the state; nor shall they hold any other place or office, or receive any pension or salary from any other state or government or power whatever.

Plurality of offices prohibited to governor, etc., except, etc. See amendments, Art. VIII.

No person shall be capable of holding or exercising at the same time, within this state, more than one of the following offices, viz.: judge of probate—sheriff—register of probate—or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the state at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Same subject.
1 Allen, 553.

No person holding the office of judge of the supreme judicial court—secretary—attorney-general—solicitor-general—treasurer or receiver-general—judge of probate—commissary-general—[president, professor, or instructor of Harvard College]—sheriff—clerk of the house of representatives—register of probate—register of deeds—clerk of the supreme judicial court—clerk of the inferior court of common pleas—or officer of the customs, including in this description naval officers—shall at the

Incompatible offices. For further provisions as to incompatible offices, see amendments, Art. VIII. Officers of Harvard College excepted by amendments, Art. XXVII.

same time have a seat in the senate or house of representatives ; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives ; and the place so vacated shall be filled up.

Incompatible
offices.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council ; or any councillor shall accept of either of those offices or places.

Bribery, etc.,
disqualify.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption in obtaining an election or appointment.

Value of money
ascertained.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce ; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the commonwealth shall require.

Provisions
respecting
commissions.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor and attested by the secretary or his deputy, and have the great seal of the commonwealth affixed thereto.

Provisions re-
specting writs.
2 Pick. 592.
3 Met. 58.
13 Gray, 74.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts ; they shall be under the seal of the court from whence they issue ; they shall bear test of the first justice of the court to which they shall be returnable, who is not a party, and be signed by the clerk of such court.

Continuation of
former laws,
except, etc.
1 Mass. 59.
2 Mass. 534.
8 Pick. 309, 316.
16 Pick. 107, 115.
2 Met. 118.

VI. All the laws which have heretofore been adopted, used, and approved in the Province, Colony, or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature ; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

Benefit of
habeas corpus
secured, except,
etc.

VII. The privilege and benefit of the writ of *habeas corpus* shall be enjoyed in this commonwealth, in the most free, easy, cheap, expeditious, and ample manner ; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

VIII. The enacting style, in making and passing all acts, statutes, and laws, shall be — “Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same.”

The enacting style.

IX. To the end there may be no failure of justice, or danger arise to the commonwealth from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise, and enjoy, all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies, and powers shall continue in full force, in the enjoyment and exercise of all their trusts, employments, and authority; until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers, and authority.

Officers of former government continued until, etc.

X. [In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Provision for revising constitution. For existing provision as to amendments, see amendments, Art. IX.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the state, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns to elect delegates to meet in convention for the purpose aforesaid.

Provision for revising constitution.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

Provision for
preserving and
publishing this
constitution.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this commonwealth, in all future editions of the said laws.

ARTICLES OF AMENDMENT.

Bill, etc., not
approved within
five days, not to
become a law,
if legislature
adjourn in the
mean time.
3 Mass. 567.
See Const., Ch.
I., § 1, Art. II.

ARTICLE I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

General court
empowered to
charter cities.
122 Mass. 354.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this commonwealth, and to grant to the inhabitants thereof such powers, privileges, and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants, in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings. Provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants, nor unless it be with the consent, and on the application of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose. And provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

Proviso.
112 Mass. 200.

Qualifications of
voters for gov-
ernor, lieuten-
ant-governor,
senators and
representatives.
See amend-
ments, Arts.
XXX. and
XXXII.
11 Pick. 538, 540.
14 Pick. 341.
14 Mass. 367.
5 Met. 162, 298,
591, 594.
7 Gray, 299.
122 Mass. 595, 597.
124 Mass. 596.

ART. III. Every male citizen of twenty-one years of age and upwards, excepting paupers and persons under guardianship, who shall have resided within the commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators, or representatives, [and who shall have paid, by himself, or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding

such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned,] shall have a right to vote in such election of governor, lieutenant-governor, senators, and representatives; and no other person shall be entitled to vote in such elections.

See also amendments, Art. XXIII., which was annulled by amendments, Art. XXVI.

For educational qualification, see amendments, Art. XX. For provision as to those who have served in the army or navy in time of war, see amendments, Arts. XXVIII. and XXXI.

ART. IV. Notaries public shall be appointed by the governor in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

Notaries public, how appointed and removed.

[In case the office of secretary or treasurer of the commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Vacancies in the offices of secretary and treasurer, how filled. This clause superseded by amendments, Art. XVII.

Whenever the exigencies of the commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed, and commissioned, in such manner as the legislature may, by law, prescribe.

Commissary-general may be appointed, in case, etc.

All officers commissioned to command in the militia may be removed from office in such manner as the legislature may, by law, prescribe.

Militia officers, how removed.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

Who may vote for captains and subalterns.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this commonwealth, before he shall enter on the duties of his office, to wit:—

Oath to be taken by all officers. See Const., Ch. VI., Art. I.

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.”

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath,

Proviso. Quakers may affirm.

he shall make his affirmation in the foregoing form, omitting the word "swear" and inserting, instead thereof, the word "affirm," and omitting the words "So help me, God," and subjoining, instead thereof, the words, "This I do under the pains and penalties of perjury."

Tests abolished.

ART. VII. No oath, declaration, or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators, or representatives, to qualify them to perform the duties of their respective offices.

Incompatibility
of offices.
122 Mass. 445,
600,
123 Mass. 535.

ART. VIII. No judge of any court of this commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States, (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor, or councillor, or have a seat in the senate or house of representatives of this commonwealth; and no judge of any court in this commonwealth, (except the court of sessions,) nor the attorney-general, solicitor-general, county attorney, clerk of any court, sheriff, treasurer, and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; and judges of the courts of common pleas shall hold no other office under the government of this commonwealth, the office of justice of the peace and militia offices excepted.

Amendments to
constitution,
how made.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the quali-

fied voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this commonwealth.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

Commencement
of political year,

and termination

[The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

Meetings for the
choice of gov-
ernor, lieuten-
ant-governor,
etc., when to be
held.
This clause
superseded by
amendments,
Art. XV.

All the other provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May, as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first

Article, when to
go into opera-
tion.

election of the governor, lieutenant-governor, senators, and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force, and go into operation, pursuant to the foregoing provision.

Inconsistent provisions annulled.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Religious freedom established. See Dec. of Rights, Art. III.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted: —

“As the public worship of GOD and instructions in piety, religion, and morality, promote the happiness and prosperity of a people, and the security of a republican government; therefore, the several religious societies of this commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice, declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made, or entered into by such society; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.”

122 Mass. 40, 41.

Census of ratable polls to be taken in 1837, and decennially thereafter. This article was superseded by amendments, Art. XIII., which was also superseded by amendments, Art. XXI. Representatives, how apportioned.

ART. XII. [In order to provide for a representation of the citizens of this commonwealth, founded upon the principles of equality, a census of the ratable polls, in each city, town, and district of the commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid; and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred

and fifty ratable polls in addition to the first three hundred, one representative more.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Towns having less than 300 ratable polls, how represented.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten and dividing the product by four hundred and fifty, and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Fractions, how represented.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district to continue until the next decennial census of polls, for the election of a representative, or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

Towns may unite into representative districts.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives, which each city, town, and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town, and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years, thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls, shall determine the number of representatives, which each city, town and representative district may elect as aforesaid; and when the number of representatives to be elected

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

by each city, town, or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

Inconsistent provisions annulled.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation.

Provisions as to census superseded by amendments, Arts. XXI. and XXII.

Senatorial districts declared permanent.

Provisions as to senators superseded by amendments, Art. XXII.

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken, and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

122 Mass. 595.

The several senatorial districts now existing shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

House of representatives, how apportioned. Provisions as to representatives superseded by amendments, Art. XXI.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Small towns, how represented.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times within ten years as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the commonwealth shall be settled.

Towns may unite into representative districts.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number which shall entitle a town or city to elect more than one, and also the number by which the population of towns not entitled to a representative every year is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

Basis of representation, and ratio of increase.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town, and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

The governor and council to apportion the number of representatives of each town once in every ten years.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation, or otherwise. No person shall be elected a councillor, who has not been an inhabitant of this commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the commonwealth.]

Councillors to be chosen from the people at large. Provisions as to councillors superseded by amendments, Art. XVI.

Qualifications of councillors.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Freehold as a qualification for a seat in general court or council not required.

ART. XIV. In all elections of civil officers by the people of this commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Elections by the people to be by plurality of votes.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Time of annual election of governor and legislature.

Eight councillors to be chosen by the people. 122 Mass. 595, 598.

Legislature to district state.

Eligibility defined.

Day and manner of election, etc.

Vacancies, how filled. For new provision as to vacancies, see amendments, XXV.

Organization of the government.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next state census shall have been taken, and at its first session after each decennial state census thereafterwards, shall divide the commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor : *provided, however*, that if, at any time, the constitution shall provide for the division of the commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. [Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate ; and vacancies occasioned by death, removal from the state, or otherwise, shall be filled in like manner, as soon as may be, after such vacancies shall have happened.] And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors ; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly ; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined ; and in case of the election of either of said officers, the choice shall be by them declared and published ; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the

manner provided in the constitution for the choice of such officers.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this commonwealth five years next preceding his election or appointment.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the state for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintend-

Election of secretary, treasurer, auditor, and attorney-general by the people.

Vacancies, how filled.

To qualify within ten days, otherwise office to be deemed vacant.

Qualification requisite.

School moneys not to be applied for sectarian schools. For original provision as to schools, see constitution, Part First, Art. III.

12 Allen, 500,
508.
103 Mass. 94, 96,

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8 Gray, 1.
13 Gray, 74.
110 Mass. 172,
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Art. XXVI.

Census of legal
voters and of
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See P. S. c. 31.

House of repre-
sentatives to
consist of 240
members.
Legislature to
apportion, etc.
10 Gray, 613.

ence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

117 Mass. 602, 603.

121 Mass. 65.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this commonwealth, who shall not be able to read the constitution in the English language, and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city, said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth;

and it shall be the duty of the secretary of the commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, — or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, — shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. [Not less than one hundred members of the house of representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.]

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August. Proceedings.

Qualifications of representatives. 122 Mass. 595, 598.

Districts to be numbered, described and certified.

Quorum, see amendments, Art. XXXIII.

Census, etc. See P. S. c. 31.

Voters to be basis of apportionment of senators.	thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The
Senate to consist of forty members.	general court shall, at its first session after each next preceding special enumeration, divide the commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: <i>provided, however,</i> that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the commonwealth. [Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.]
Senatorial districts, etc.	
See amendments, Art. XXIV.	
Qualifications of senators.	
Quorum, see amendments, Art. XXXIII.	
Residence of two years required of naturalized citizens, to entitle to suffrage or make eligible to office. This article annulled by Art. XXVI.	ART. XXIII. [No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: <i>provided</i> , that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, <i>provided, further</i> , that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]
Vacancies in the senate.	ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of the senators elected.
Vacancies in the council.	ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house

of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided*, further, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

Twenty-third article of amendments annulled.

ART. XXVII. So much of article two of chapter six of the constitution of this commonwealth as relates to persons holding the office of president, professor, or instructor of Harvard College, is hereby annulled.

Provisions of Art. II., Chap. VI., relating to officers of Harvard College, annulled.

ART. XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper; or, if a pauper, because of the non-payment of a poll-tax.

Superseded by Art. XXXI.

ART. XXIX. The general court shall have full power and authority to provide for the inhabitants of the towns in this Commonwealth more than one place of public meeting within the limits of each town for the election of officers under the constitution, and to prescribe the manner of calling, holding and conducting such meetings. All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby annulled.

Voting precincts in towns.

ART. XXX. No person, otherwise qualified to vote in elections for governor, lieutenant-governor, senators, and representatives, shall, by reason of a change of residence within the Commonwealth, be disqualified from voting for said officers in the city or town from which he has removed his residence, until the expiration of six calendar months from the time of such removal.

Voters not disqualified by reason of change of residence until six months from time of removal.

Amendments,
Art. XXVIII.
amended.

ART. XXXI. Article twenty-eight of the Amendments of the Constitution is hereby amended by striking out in the fourth line thereof the words "being a pauper", and inserting in place thereof the words : — receiving or having received aid from any city or town, — and also by striking out in said fourth line the words "if a pauper", so that the article as amended shall read as follows: ARTICLE XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of receiving or having received aid from any city or town, or because of the non-payment of a poll tax.

Person who
served in army
or navy, etc.,
not disqualified
from voting for
non-payment of
poll tax.

Provisions of
amendments,
Art. III. relative
to payment of a
tax as a voting
qualification,
annulled.

ART. XXXII. So much of article three of the Amendments of the Constitution of the Commonwealth as is contained in the following words : "and who shall have paid, by himself, or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned", is hereby annulled.

Quorum, in each
branch of the
general court,
to consist of a
majority of
members.

ART. XXXIII. A majority of the members of each branch of the general court shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day, and compel the attendance of absent members. All the provisions of the existing Constitution inconsistent with the provisions herein contained are hereby annulled.

Provisions of
Art. II., § I.,
Chap. II., Part
II., relative to
property quali-
fication of
governor,
annulled.

ART. XXXIV. So much of article two of section one of chapter two of part the second of the Constitution of the Commonwealth as is contained in the following words : "and unless he shall at the same time, be seized in his own right, of a freehold within the Commonwealth of the value of one thousand pounds;" is hereby annulled.

The constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet

on the first Wednesday of the ensuing June. In the mean time the constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them ratified and adopted, April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30, and 1830-31, respectively, and was approved and ratified by the people May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, respectively, and was approved and ratified by the people November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, respectively, and was approved and ratified by the people the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, respectively, and was approved and ratified by the people the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, respectively, and ratified by the people the twenty-third day of May, 1855.

The twentieth, twenty-first, and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, respectively, and ratified by the people on the first day of May, 1857.

The twenty-third Article was adopted by the legislatures of the political years 1858 and 1859, respectively, and ratified by the people on the ninth day of May, 1859, and was repealed by the twenty-sixth Amendment.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and ratified by the people on the seventh day of May, 1860.

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The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and ratified by the people on the sixth day of April, 1863.

The twenty-seventh Article was adopted by the legislatures of the political years 1876 and 1877, and was approved and ratified by the people on the sixth day of November, 1877.

The twenty-eighth Article was adopted by the legislatures of the political years 1880 and 1881, and was approved and ratified by the people on the eighth day of November, 1881.

The twenty-ninth Article was adopted by the legislatures of the political years 1884 and 1885, and was approved and ratified by the people on the third day of November, 1885.

The thirtieth and thirty-first Articles were adopted by the legislatures of the political years 1889 and 1890, and were approved and ratified by the people on the fourth day of November, 1890.

The thirty-second and thirty-third Articles were adopted by the legislatures of the political years 1890 and 1891, and were approved and ratified by the people on the third day of November, 1891.

The thirty-fourth Article was adopted by the legislatures of the political years 1891 and 1892, and was approved and ratified by the people on the eighth day of November, 1892.

[A proposed Article of Amendment, prohibiting the manufacture and sale of Intoxicating Liquor as a beverage, adopted by the legislatures of the political years 1888 and 1889, was rejected by the people on the twenty-second day of April, 1889.]

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ACTS AND RESOLVES

OF

MASSACHUSETTS.

1893.

 The General Court of the year eighteen hundred and ninety-three assembled on Wednesday, the fourth day of January. The oaths of office were taken and subscribed by His Excellency WILLIAM E. RUSSELL, and His Honor ROGER WOLCOTT, on Thursday, the fifth day of January, in the presence of the two Houses assembled in convention.

ACTS.

AN ACT MAKING AN APPROPRIATION FOR EXPENSES IN CONNECTION WITH THE FUNERAL OF THE LATE EX-GOVERNOR BENJAMIN F. BUTLER.

Chap. 1.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. There shall be appropriated from the treasury of the Commonwealth from the ordinary revenue, a sum not exceeding four thousand dollars, for the purpose of paying certain expenses in connection with the funeral of the late Benjamin F. Butler, formerly governor of this Commonwealth, as provided for by a resolve passed by the present legislature.

Appropriation
for expenses at
funeral of
Benjamin F.
Butler.

SECTION 2. This act shall take effect upon its passage.

Approved January 16, 1893.

AN ACT TO AUTHORIZE THE TOWN OF WEST TISBURY TO RECEIVE ITS PROPORTION OF THE INCOME OF THE MASSACHUSETTS SCHOOL FUND.

Chap. 2.

Be it enacted, etc., as follows:

SECTION 1. The town of West Tisbury shall receive the proportion of the moiety of the income of the Massachusetts school fund for the year eighteen hundred and ninety-two, to be distributed to towns on the twenty-fifth day of January in the year eighteen hundred and ninety-three, in the same manner and to the same amount said town would have received if incorporated in time to make the returns prescribed by law.

To share in
distribution of
income of
school fund.

SECTION 2. This act shall take effect upon its passage.

Approved January 25, 1893.

Chap. 3. AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION, MILEAGE AND TRAVEL OF THE MEMBERS OF THE LEGISLATURE, FOR THE COMPENSATION OF OFFICERS THEREOF, AND FOR EXPENSES IN CONNECTION THEREWITH.

Be it enacted, etc., as follows:

Appropriations.	SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to wit:—
Senators, compensation.	For the compensation of senators, thirty thousand seven hundred and fifty dollars.
Mileage.	For the mileage of senators, a sum not exceeding four hundred and fifty dollars.
Travelling expenses.	For the travelling expenses of senators, a sum not exceeding three thousand dollars.
Representatives, compensation.	For the compensation of representatives, one hundred and eighty thousand seven hundred and fifty dollars.
Mileage.	For the mileage of representatives, a sum not exceeding twenty-five hundred dollars.
Travelling expenses.	For the travelling expenses of representatives, a sum not exceeding twenty thousand dollars.
Chaplains.	For the compensation of the chaplains of the senate and house of representatives, three hundred dollars each.
Senate and house, clerks.	For the salaries of the clerks of the senate and house of representatives, three thousand dollars each.
Assistant clerks.	For the salaries of the assistant clerks of the senate and house of representatives, fifteen hundred dollars each.
Clerical assistance.	For such additional clerical assistance for the clerks of the senate and house of representatives as may be necessary for the despatch of public business, a sum not exceeding three thousand dollars.
Sergeant-at-arms.	For the salary of the sergeant-at-arms, three thousand dollars.
Clerk.	For the salary of the clerk of the sergeant-at-arms, eighteen hundred dollars.
Doorkeepers.	For the salaries of the doorkeepers of the senate and house of representatives, fourteen hundred dollars each.
Postmaster, messengers, pages, etc.	For the compensation of the assistant doorkeepers, postmaster, messengers and pages to the senate and house of representatives, a sum not exceeding twenty-four thousand one hundred dollars.
Contingent expenses.	For contingent expenses of the senate and house of rep-

representatives, and necessary expenses in and about the state house, a sum not exceeding seven thousand dollars.

For the payment of postage and expressage on documents sent to members of the general court, to include expenses incurred in packing the same, a sum not exceeding fifteen hundred dollars.

Postage, etc., on documents sent to members.

For expenses of summoning witnesses before committees, and for fees for such witnesses, a sum not exceeding two hundred dollars.

Committees, witnesses.

For authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, a sum not exceeding fifteen thousand dollars.

Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved January 26, 1893.

AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF STATE AND MILITARY AID AND FOR EXPENSES IN CONNECTION THEREWITH.

Chap. 4.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-three, to wit:—

Appropriations.

For reimbursement to cities and towns for money paid on account of state and military aid to Massachusetts volunteers and their families, a sum not exceeding five hundred and fifty-five thousand dollars, the same to be paid on or before the first day of December in the year eighteen hundred and ninety-three.

State and military aid, reimbursement.

For postage, printing and other necessary expenses in carrying out the provisions of the state and military aid laws, a sum not exceeding five hundred dollars.

Postage, printing, etc.

SECTION 2. This act shall take effect upon its passage.

Approved January 27, 1893.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE JUDICIAL DEPARTMENT OF THE GOVERNMENT DURING THE PRESENT YEAR.

Chap. 5.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Common-

Appropriations.

wealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-three, to wit : —

SUPREME JUDICIAL COURT.

Supreme judicial court, chief justice.	For travelling expenses of the chief justice of the supreme judicial court, five hundred dollars.
Associate justices.	For travelling expenses of the six associate justices of the supreme judicial court, three thousand dollars.
Clerk.	For the salary of the clerk of the supreme judicial court, three thousand dollars.
Clerical assistance.	For clerical assistance to the justices of the supreme judicial court, a sum not exceeding twenty-five hundred dollars.
Expenses.	For expenses of the supreme judicial court, a sum not exceeding two thousand dollars.
Reporter of decisions.	For the salary of the reporter of decisions of the supreme judicial court, four thousand dollars; and for clerk hire and incidental expenses of the reporter, two thousand dollars.
Officers and messenger.	For the salaries of the officers and messenger of the supreme judicial court, twenty-four hundred dollars.
Clerk for Suffolk.	For the salary of the clerk of the supreme judicial court for the county of Suffolk, fifteen hundred dollars.

SUPERIOR COURT.

Superior court, chief justice.	For the salary and travelling expenses of the chief justice of the superior court, sixty-five hundred dollars.
Associate justices.	For the salaries and travelling expenses of the fifteen associate justices of the superior court, ninety thousand dollars.
Ex-chief justice, retired.	For the salary of the ex-chief justice of the superior court, now retired, twenty-seven hundred and fifty dollars.

COURTS OF PROBATE AND INSOLVENCY.

Probate and insolvency, judge, Suffolk.	For the salary of the judge of probate and insolvency for the county of Suffolk, five thousand dollars.
Middlesex.	For the salary of the judge of probate and insolvency for the county of Middlesex, four thousand dollars.
Worcester.	For the salary of the judge of probate and insolvency for the county of Worcester, three thousand dollars.

For the salary of the judge of probate and insolvency for the county of Essex, thirty-five hundred dollars. Essex.

For the salary of the judge of probate and insolvency for the county of Norfolk, twenty-five hundred dollars. Norfolk.

For the salary of the judge of probate and insolvency for the county of Bristol, twenty-five hundred dollars. Bristol.

For the salary of the judge of probate and insolvency for the county of Plymouth, two thousand dollars. Plymouth.

For the salary of the judge of probate and insolvency for the county of Berkshire, sixteen hundred dollars. Berkshire.

For the salary of the judge of probate and insolvency for the county of Hampden, twenty-five hundred dollars. Hampden.

For the salary of the judge of probate and insolvency for the county of Hampshire, fourteen hundred dollars. Hampshire.

For the salary of the judge of probate and insolvency for the county of Franklin, fourteen hundred dollars. Franklin.

For the salary of the judge of probate and insolvency for the county of Barnstable, twelve hundred dollars. Barnstable.

For the salary of the judge of probate and insolvency for the county of Nantucket, six hundred dollars. Nantucket.

For the salary of the judge of probate and insolvency for the county of Dukes County, six hundred dollars. Dukes County.

For the compensation of judges of probate and insolvency acting for judges of probate and insolvency in other counties, where the judge of said county is sick or the office vacant, a sum not exceeding three thousand dollars. In case of sickness or vacancy.

For the salary of the register of probate and insolvency for the county of Suffolk, three thousand dollars. Register, Suffolk.

For the salary of the register of probate and insolvency for the county of Middlesex, twenty-two hundred dollars. Middlesex.

For the salary of the register of probate and insolvency for the county of Worcester, two thousand dollars. Worcester.

For the salary of the register of probate and insolvency for the county of Essex, two thousand dollars. Essex.

For the salary of the register of probate and insolvency for the county of Norfolk, fifteen hundred dollars. Norfolk.

For the salary of the register of probate and insolvency for the county of Bristol, eighteen hundred dollars. Bristol.

For the salary of the register of probate and insolvency for the county of Plymouth, fifteen hundred dollars. Plymouth.

For the salary of the register of probate and insolvency for the county of Hampden, eighteen hundred dollars. Hampden.

For the salary of the register of probate and insolvency for the county of Hampshire, fourteen hundred dollars. Hampshire.

Berkshire.	For the salary of the register of probate and insolvency for the county of Berkshire, sixteen hundred dollars.
Franklin.	For the salary of the register of probate and insolvency for the county of Franklin, fourteen hundred dollars.
Barnstable.	For the salary of the register of probate and insolvency for the county of Barnstable, one thousand dollars.
Nantucket.	For the salary of the register of probate and insolvency for the county of Nantucket, six hundred dollars.
Dukes County.	For the salary of the register of probate and insolvency for the county of Dukes County, six hundred dollars.
Assistant register, Suffolk.	For the salary of the assistant register of probate and insolvency for the county of Suffolk, twenty-eight hundred dollars.
Middlesex.	For the salary of the assistant register of probate and insolvency for the county of Middlesex, two thousand dollars.
Worcester.	For the salary of the assistant register of probate and insolvency for the county of Worcester, eighteen hundred dollars.
Essex.	For the salary of the assistant register of probate and insolvency for the county of Essex, eighteen hundred dollars.
Norfolk.	For the salary of the assistant register of probate and insolvency for the county of Norfolk, eleven hundred dollars.
Clerk, Suffolk.	For the salary of the clerk of the register of probate and insolvency for the county of Suffolk, twelve hundred dollars.
Clerical assistance, Suffolk.	For extra clerical assistance to the register of probate and insolvency for the county of Suffolk, fifteen hundred dollars.
Middlesex.	For extra clerical assistance to the register of probate and insolvency for the county of Middlesex, a sum not exceeding two thousand dollars.
Essex.	For extra clerical assistance to the register of probate and insolvency for the county of Essex, a sum not exceeding one thousand dollars.
Bristol.	For extra clerical assistance to the register of probate and insolvency for the county of Bristol, a sum not exceeding four hundred dollars.
Worcester.	For extra clerical assistance to the register of probate and insolvency for the county of Worcester, a sum not exceeding thirteen hundred and fifty dollars.

For extra clerical assistance to the register of probate and insolvency for the county of Plymouth, for the purpose of arranging and indexing the files and records in his office, a sum not exceeding two hundred and fifty dollars.

Plymouth.

For extra clerical assistance to the register of probate and insolvency for the county of Hampshire, for the purpose of arranging and indexing the files and records in his office, a sum not exceeding six hundred dollars.

Hampshire.

For extra clerical assistance to the courts of probate and insolvency in the several counties of the Commonwealth, excepting Suffolk county, a sum not exceeding sixty-four hundred and sixty-six dollars and sixty-six cents.

In the several counties, except Suffolk.

For expenses of courts of probate and insolvency, a sum not exceeding two thousand dollars.

Expenses.

DISTRICT ATTORNEYS.

For the salary of the district attorney for Suffolk district, five thousand dollars.

District attorney, Suffolk.

For the salary of the first assistant district attorney for Suffolk district, thirty-three hundred dollars.

First assistant.

For the salary of the second assistant district attorney for Suffolk district, twenty-five hundred dollars.

Second assistant.

For the salary of the clerk for the district attorney for Suffolk district, eighteen hundred dollars.

Clerk.

For the salary of the district attorney for the northern district, twenty-four hundred dollars.

District attorney, northern district.

For the salary of the district attorney for the eastern district, twenty-four hundred dollars.

Eastern district.

For the salary of the district attorney for the southeastern district, twenty-one hundred dollars.

Southeastern district.

For the salary of the district attorney for the southern district, twenty-two hundred dollars.

Southern district.

For the salary of the district attorney for the middle district, twenty-four hundred dollars.

Middle district.

For the salary of the district attorney for the western district, twenty-one hundred dollars.

Western district.

For the salary of the district attorney for the northwestern district, thirteen hundred and fifty dollars.

Northwestern district.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1893.

Chap. 6. AN ACT MAKING APPROPRIATIONS FOR INCIDENTAL AND CONTINGENT EXPENSES OF THE LEGISLATIVE AND EXECUTIVE DEPARTMENTS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-three, to wit:—

LEGISLATIVE DEPARTMENT.

Senate, stationery.	For stationery for the senate, purchased by the clerk, a sum not exceeding nine hundred dollars.
House of representatives, stationery.	For stationery for the house of representatives, purchased by the clerk, a sum not exceeding sixteen hundred dollars.
Sergeant-at-arms, stationery, etc.	For books, stationery, postage, printing and advertising, ordered by the sergeant-at-arms, a sum not exceeding six hundred dollars.
Incidental expenses.	For incidental and contingent expenses of the sergeant-at-arms, a sum not exceeding three hundred dollars.

EXECUTIVE DEPARTMENT.

Executive department, expenses.	For contingent expenses of the executive department, the sum of three thousand dollars.
Postage, printing, etc.	For postage, printing and stationery for the executive department, a sum not exceeding eight hundred dollars.
Governor and council.	For travelling and contingent expenses of the governor and council, a sum not exceeding twenty-five hundred dollars.
Executive council.	For postage, printing and stationery for the executive council, a sum not exceeding five hundred dollars.
Secretary of the Commonwealth.	For incidental and contingent expenses in the department of the secretary of the Commonwealth, a sum not exceeding thirty-five hundred dollars.
Treasurer and receiver general.	For incidental and contingent expenses in the department of the treasurer and receiver general, a sum not exceeding thirty-two hundred and fifty dollars.
Auditor of the Commonwealth.	For incidental and contingent expenses in the department of the auditor of the Commonwealth, a sum not exceeding one thousand dollars.

For books, stationery, postage, printing and other necessary expenses in the department of the attorney-general, a sum not exceeding twenty-two hundred dollars; and for expenses of civil actions, a sum not exceeding eight hundred dollars.

Attorney-general.

STATE HOUSE EXPENSES, ETC.

For repairs, improvements and furniture at the state house, a sum not exceeding ten thousand dollars.

State house, repairs, etc.

For fuel and lights for the state house, a sum not exceeding seven thousand dollars.

Fuel and lights.

For repairs, improvements, furniture and other necessary expenses at the Commonwealth building, a sum not exceeding five thousand dollars.

Commonwealth building.

For rent of house numbered thirteen Beacon street, for use of certain commissions of the Commonwealth, a sum not exceeding fifty-seven hundred dollars.

No. 13 Beacon street, rent.

For such repairs as may be necessary, for furniture and repairs to same, services of janitor and other necessary expenses at house numbered thirteen Beacon street, a sum not exceeding three thousand dollars.

Furniture, repairs, etc.

For the compensation of the men employed to run the elevators at the state house, and for all other necessary expenses in connection therewith, the same to include all necessary repairs to said elevators, a sum not exceeding three thousand dollars.

State house, elevators.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1893.

AN ACT TO CHANGE THE NAME OF THE TRUSTEES OF MOUNT HOLYOKE SEMINARY AND COLLEGE. Chap. 7.

Be it enacted, etc., as follows:

SECTION 1. The name of The Trustees of Mount Holyoke Seminary and College is hereby changed to The Trustees of Mount Holyoke College.

Name changed.

SECTION 2. All devises, bequests, conveyances and gifts heretofore or hereafter made to said corporation by either of said names shall vest in The Trustees of Mount Holyoke College.

Devises, etc., to vest in The Trustees of Mount Holyoke College.

SECTION 3. This act shall take effect upon its passage.

Approved January 31, 1893.

Chap. 8. AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT FOR THE PRESENT YEAR.

Be it enacted, etc., as follows:

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, except as herein provided, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-three, to wit:—

EXECUTIVE DEPARTMENT.

Lieutenant-governor and council.	For the compensation of the lieutenant governor, two thousand dollars; and for the executive council, six thousand four hundred dollars.
Executive council.	For travelling expenses of the executive council, a sum not exceeding one thousand dollars.
Private secretary.	For the salary of the private secretary of the governor, twenty-five hundred dollars.
Executive clerk.	For the salary of the executive clerk of the governor and council, two thousand dollars.
Stenographer.	For the salary of the executive stenographer, a sum not exceeding one thousand dollars.
Messenger.	For the salary of the executive messenger, twelve hundred dollars.

SECRETARY'S DEPARTMENT.

Secretary.	For the salary of the secretary of the Commonwealth, thirty-five hundred dollars.
First clerk.	For the salary of the first clerk in the secretary's department, twenty-two hundred dollars.
Second clerk.	For the salary of the second clerk in the secretary's department, two thousand dollars.
Third clerk.	For the salary of the third clerk in the secretary's department, fifteen hundred dollars.
Cashier.	For the salary of a cashier in the department of the secretary of the Commonwealth, a sum not exceeding fifteen hundred dollars.
Extra clerks and messenger.	For a messenger and such additional clerical assistance as the secretary may find necessary, a sum not exceeding thirteen thousand dollars.

TREASURER AND RECEIVER GENERAL'S DEPARTMENT.

For the salary of the treasurer and receiver general, five thousand dollars. Treasurer.

For the salary of the first clerk in the treasurer's department, twenty-five hundred dollars. First clerk.

For the salary of the second clerk in the treasurer's department, two thousand dollars. Second clerk.

For the salary of the cashier in the treasurer's department, two thousand dollars. Cashier.

For the salary of the third clerk in the treasurer's department, fourteen hundred dollars. Third clerk.

For the salary of the fund clerk in the treasurer's department, fourteen hundred dollars. Fund clerk.

For the salary of the receiving teller in the treasurer's department, fourteen hundred dollars. Receiving teller.

For the salary of the paying teller in the treasurer's department, fourteen hundred dollars. Paying teller.

For such additional clerical assistance in the treasurer's department as may be necessary for the despatch of public business, a sum not exceeding one thousand dollars. Extra clerks.

For the salary of the deputy sealer of weights, measures and balances, twelve hundred dollars. Deputy sealer of weights and measures.

AUDITOR'S DEPARTMENT.

For the salary of the auditor of the Commonwealth, thirty-five hundred dollars. Auditor.

For the salary of the first clerk in the auditor's department, twenty-two hundred dollars. First clerk.

For the salary of the second clerk in the auditor's department, two thousand dollars. Second clerk.

For the salaries of the three extra clerks in the auditor's department, fifteen hundred dollars each; and for such additional clerical assistance as the auditor may find necessary, a sum not exceeding five hundred dollars. Extra clerks.

ATTORNEY-GENERAL'S DEPARTMENT.

For the salary of the attorney-general, five thousand dollars. Attorney-general.

For the salary of the first assistant attorney-general, twenty-five hundred dollars. First assistant.

For the salary of the second assistant attorney-general, fifteen hundred dollars. Second assistant.

STATE HOUSE, ETC.

State house,
engineer.

For the salary of the engineer at the state house, fifteen hundred dollars.

Watchmen.

For the salaries of the two watchmen at the state house, one thousand dollars each.

Sergeant-at-
arms, messen-
gers.

For the salaries of the three messengers to the sergeant-at-arms, known as sergeant-at-arms messengers, eleven hundred dollars each.

Firemen and
janitor.

For the salaries of the fireman at the state house, and fireman and janitor at the Commonwealth building, nine hundred dollars each.

Assistant fire-
man.

For the salary of the assistant fireman at the state house, two dollars and one half per day for each day employed.

COMMISSIONERS AND OTHERS.

Tax commis-
sioner.

For the salary of the tax commissioner and commissioner of corporations, thirty-five hundred dollars.

First clerk.

For the salary of the first clerk in the department of the tax commissioner, two thousand dollars.

Second clerk.

For the salary of the second clerk in the department of the tax commissioner, fifteen hundred dollars.

Extra clerks.

For such additional clerical assistance as the tax commissioner may find necessary for the despatch of public business, a sum not exceeding sixteen thousand dollars.

Commissioners
of savings
banks, chair-
man.

For the salary of the chairman of the commissioners of savings banks, thirty-five hundred dollars.

Associate
commissioners.

For the salaries of the two associate commissioners of savings banks, three thousand dollars each.

First clerk.

For the salary of the first clerk of the commissioners of savings banks, two thousand dollars.

Second clerk.

For the salary of the second clerk of the commissioners of savings banks, twelve hundred dollars.

Insurance
commissioner.

For the salary of the insurance commissioner, thirty-five hundred dollars.

Deputy insur-
ance commis-
sioner.

For the salary of the deputy insurance commissioner, twenty-five hundred dollars.

First clerk.

For the salary of the first clerk of the insurance commissioner, two thousand dollars.

Second clerk.

For the salary of the second clerk of the insurance commissioner, fifteen hundred dollars.

Third clerk.

For the salary of the third clerk of the insurance commissioner, twelve hundred dollars.

For such additional clerks and assistants as the insurance commissioner may find necessary for the despatch of public business, a sum not exceeding fourteen thousand four hundred and fifty dollars.

Extra clerks
and assistants.

For the salary of the inspector of gas meters, two thousand dollars.

Inspector of
gas meters.

For the salary of the assistant inspector of gas meters, twelve hundred dollars.

Assistant
inspector.

For the salary of the secretary of the commissioners of prisons, twenty-five hundred dollars.

Commissioners
of prisons,
secretary.

For clerical assistance in the office of the commissioners of prisons, a sum not exceeding twenty-five hundred dollars.

Clerical
assistance.

For the salaries of the agents to the commissioners of prisons, twenty-four hundred dollars.

Agents.

For the salary of the agent for aiding discharged female prisoners, a sum not exceeding seven hundred and seventy-five dollars.

Agent for aiding
discharged fe-
male prisoners.

For the salaries of the railroad commissioners, eleven thousand dollars.

Railroad
commissioners.

For the salary of the clerk of the railroad commissioners, twenty-five hundred dollars.

Clerk.

For the salary of the accountant of the railroad commissioners, twenty-five hundred dollars.

Accountant.

For the salary of the assayer and inspector of liquors, twelve hundred dollars.

Assayer and
inspector of
liquors.

For the salary of the chief of the bureau of statistics of labor, twenty-five hundred dollars.

Bureau of statis-
tics of labor,
chief.

For the salary of the first clerk of the bureau of statistics of labor, eighteen hundred dollars.

First clerk.

For the salary of the second clerk of the bureau of statistics of labor, fifteen hundred dollars.

Second clerk.

For such additional clerical assistance and for such expenses of the bureau of statistics of labor as may be necessary, a sum not exceeding five thousand dollars.

Extra clerks,
etc.

For expenses in connection with the annual collection of statistics of manufactures, a sum not exceeding sixty-five hundred dollars.

Statistics of
manufactures.

For the salary of the commissioner of state aid, appointed by the governor and council, twenty-five hundred dollars.

Commissioner
of state aid.

For clerical assistance, salaries and expenses of agents, and other necessary expenses of the commissioners of state

Clerical assist-
ance, etc.

aid, a sum not exceeding seven thousand one hundred and sixty dollars.

Harbor and land commissioners.

For the salaries of the harbor and land commissioners, five thousand five hundred dollars.

Engineer, etc.

For the compensation and expenses of the engineer, for clerical and other assistants authorized by the harbor and land commissioners, a sum not exceeding five thousand dollars.

Civil service commission.

For the salary of the chief examiner of the civil service commission, three thousand dollars; for the salary of the secretary of said commission, two thousand dollars; and for the compensation and expenses of the members of the civil service commission, a sum not exceeding two thousand dollars.

Gas and electric light commissioners.

For the salaries of the gas and electric light commissioners, eight thousand dollars; and for the compensation and expenses of the clerk, and for clerical assistance of said commissioners, a sum not exceeding twenty-five hundred dollars.

Controller of county accounts.

For the salary of the controller of county accounts, twenty-five hundred dollars; and for the salaries of the two deputies of said controller, three thousand dollars.

Board of arbitration and conciliation.

For the salaries of the members of the state board of arbitration and conciliation, six thousand dollars; and for the salary of the clerk of said board, twelve hundred dollars.

Commissioner for supervision of foreign corporations.

For the compensation of the commissioner for the supervision of foreign corporations engaged in the business of selling or negotiating bonds, mortgages, notes or other choses in action, three thousand dollars.

State pension agent.

For the salary of the state pension agent, two thousand dollars.

Secretary of state board of health.

For the salary of the secretary of the state board of health, three thousand dollars.

Commissioner of public records.

For the salary of the commissioner of public records, twenty-five hundred dollars; and for travelling, clerical and other necessary expenses, a sum not exceeding twenty-three hundred dollars.

Commissioner to edit provincial laws.

For the salary of the commissioner appointed to edit the provincial laws, one hundred and sixty-six dollars and sixty-seven cents; and for the salaries of clerks, and for contingent expenses in connection with the preparation and publication of the provincial laws, a sum not exceeding five hundred dollars.

AGRICULTURAL DEPARTMENT.

For the salary of the secretary of the state board of agriculture, twenty-five hundred dollars. Board of agriculture, secretary.

For the salary of the first clerk of the secretary of the state board of agriculture, sixteen hundred dollars; and for the salary of an assistant clerk for said secretary, one thousand dollars. Clerks.

For other clerical assistance in the office of the secretary of the state board of agriculture, and for lectures before the board at its annual and other meetings, a sum not exceeding eight hundred dollars. Clerical assistance, etc.

For the salary of the executive officer of the state dairy bureau, five hundred dollars. State dairy bureau.

For the salary of an assistant to the secretary of the state board of agriculture, to assist in the work of the state dairy bureau, twelve hundred dollars. Assistant to the secretary.

EDUCATIONAL DEPARTMENT.

For the salary and expenses of the secretary of the state board of education, three thousand four hundred dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes. Board of education, secretary.

For the salary of the assistant librarian and clerk of the state board of education, three thousand dollars. Assistant librarian and clerk.

For such clerical assistance in the state library as the trustees and librarian may find necessary, a sum not exceeding thirty-five hundred dollars. Clerical assistance.

For preparing an index to current events, and such other matters as may be deemed important by the trustees and librarian of the state library, and contained in the newspapers of the day, a sum not exceeding one thousand dollars. Index to current events, etc.

For the purchase of books for the state library, five thousand dollars. Books for library.

MILITARY DEPARTMENT.

For the salary of the adjutant general, thirty-six hundred dollars. Adjutant general.

For the salary of the first clerk in the adjutant general's department, two thousand dollars. First clerk.

Second clerk.	For the salary of the second clerk in the adjutant general's department, sixteen hundred dollars.
Additional clerk.	For the salary of an additional clerk in the adjutant general's department, sixteen hundred dollars.
Extra clerks.	For the salaries of the two extra clerks in the adjutant general's department, twelve hundred dollars each.
Messenger.	For the salary of a messenger in the adjutant general's department, eight hundred dollars.
Clerical assistance, etc.	For such additional clerical assistance as the adjutant general may find necessary, and for compensation of employees at the state arsenal, a sum not exceeding five thousand five hundred dollars.
Surgeon general.	For the salary of the surgeon general, twelve hundred dollars.
Military and naval historian.	For the salary of the state military and naval historian, two thousand dollars; and for clerical assistance and other necessary expenses of said historian, a sum not exceeding fifteen hundred dollars.

MISCELLANEOUS.

Arrangement of state records, etc.	For the arrangement and preservation of state records and papers, under the direction of the secretary of the Commonwealth, a sum not exceeding five thousand dollars.
Clerical assistance for the treasurer.	For clerical assistance in the office of the treasurer and receiver general, in the care and custody of deposits made with him in trust, a sum not exceeding twenty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1893.

Chap. 9. AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE DISTRICT POLICE.

Be it enacted, etc., as follows:

Appropriations.	SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of salaries and expenses of the district police during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-three, to wit:—
District police, chief.	For the salary of the chief of the district police, a sum not exceeding two thousand five hundred dollars.

For the salary of the first clerk in the office of the chief of the district police, the sum of fifteen hundred dollars.

First clerk.

For the salary of the second clerk in the office of the chief of the district police, the sum of one thousand dollars.

Second clerk.

For compensation of the thirty-six members of the district police, a sum not exceeding fifty-three thousand dollars.

Members.

For travelling expenses actually paid by members of the district police, a sum not exceeding twenty thousand eight hundred dollars.

Travelling expenses.

For incidental, contingent and office expenses of the chief and members of the district police, a sum not exceeding two thousand dollars.

Incidental and office expenses.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1893.

AN ACT MAKING APPROPRIATIONS FOR THE PRISON AND HOSPITAL LOAN SINKING FUND, STATE HOUSE LOAN SINKING FUND, 1901, AND THE STATE HOUSE CONSTRUCTION LOAN SINKING FUND.

Chap. 10.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes herein specified, to wit:—

Appropriations.

For the prison and hospital loan sinking fund, as provided for in chapter two hundred and fifty-five of the acts of the year eighteen hundred and eighty-four, the sum of sixty thousand dollars.

Prison and hospital loan sinking fund.

For the state house loan sinking fund, due in the year nineteen hundred and one, as provided for in chapter two hundred and twenty-four of the acts of the year eighteen hundred and ninety-one, the sum of forty-five thousand dollars.

State house loan sinking fund.

For the state house construction loan sinking fund, as provided for in section eight of chapter three hundred and ninety-four of the acts of the year eighteen hundred and eighty-nine, being the estimate of the treasurer and receiver general, the sum of ninety-two thousand thirty-eight dollars and sixty-five cents.

State house construction loan sinking fund.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1893.

Chap. 11. AN ACT MAKING APPROPRIATIONS FOR CERTAIN ALLOWANCES
AUTHORIZED BY THE LEGISLATURE.

Be it enacted, etc., as follows:

- Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to provide for certain yearly allowances authorized by the legislature, to wit: —
- Obstructions in tide waters. For expenses in connection with the removal of wrecks and other obstructions from tide waters, a sum not exceeding five thousand dollars.
- Agricultural experiment station. For maintaining an agricultural experiment station at the Massachusetts agricultural college, in the town of Amherst, the sum of ten thousand dollars.
- Agricultural college, free scholarships. For the Massachusetts agricultural college, for the purpose of providing eighty free scholarships, the sum of ten thousand dollars.
- Aid to students, etc. For the Massachusetts agricultural college, the sum of ten thousand dollars, to be expended under the direction of the trustees, for the following purposes, to wit: — five thousand dollars for the establishment of a labor fund to assist needy students of said college, and five thousand dollars to provide the theoretical and practical education required by its charter and the laws of the United States relating thereto.
- School for the feeble-minded. For the Massachusetts school for the feeble-minded, the sum of twenty-five thousand dollars.
- School for the blind. For the Perkins institution and Massachusetts school for the blind, the sum of thirty thousand dollars.
- School superintendents. To enable small towns to provide themselves with school superintendents, a sum not exceeding thirty-five thousand dollars.
- Inspection of food and drugs. For salaries and expenses in connection with the inspection of milk, food and drugs, a sum not exceeding eleven thousand five hundred dollars.
- Extraordinary expenses. For the payment of extraordinary expenses, to be expended under the direction of the governor and council, a sum not exceeding twenty thousand dollars.
- Premiums on securities. For the payment of premiums on securities purchased for the Massachusetts school fund, a sum not exceeding fifty thousand dollars.
- Transportation of state publications. For expenses of transportation of the state publications to the free public libraries in this Commonwealth, by the secretary thereof, a sum not exceeding five hundred dollars.

For the Massachusetts state firemen's association, the sum of ten thousand dollars. State firemen's association.

For the cost of maintenance and operation of the system of sewage disposal for the cities of Boston, Newton and Waltham, and the towns of Brookline and Watertown, for the year eighteen hundred and ninety-three, a sum not exceeding twenty-six thousand five hundred dollars. Sewage disposal for certain cities and towns.

For building an asylum for the chronic insane, in the town of Medfield, a sum not exceeding two hundred thousand dollars, being in addition to the one hundred and fifty thousand dollars appropriated by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and ninety-two. Medfield insane asylum.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1893.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY AGRICULTURAL EXPENSES.

Chap. 12.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to meet sundry agricultural expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-three, to wit : — Appropriations.

For bounties to agricultural societies, twenty-one thousand dollars. Bounties to societies.

For travelling and other necessary expenses of the members of the state board of agriculture, a sum not exceeding nineteen hundred dollars. Board of agriculture, expenses of members.

For incidental expenses of the state board of agriculture, a sum not exceeding six hundred dollars. Incidental expenses.

For travelling and other necessary expenses of the secretary of the state board of agriculture, a sum not exceeding five hundred dollars. Expenses of secretary.

For disseminating useful information in agriculture, by means of lectures at farmers' institutes, a sum not exceeding seventeen hundred and fifty dollars. Farmers' institutes.

For travelling and other necessary expenses of the trustees of the Massachusetts agricultural college, a sum not exceeding five hundred dollars. Trustees of agricultural college.

State dairy
bureau.

For assistants, experts, chemists, agents and for other necessary expenses of the state dairy bureau, a sum not exceeding four thousand dollars.

Preservation
of shade trees,
etc

For purchasing nails or spikes to be driven into certain trees designated by the authorities of cities and towns, for the purpose of preserving ornamental and shade trees on public highways, a sum not exceeding one hundred dollars.

Contagious
diseases among
animals.

For the purpose of exterminating contagious diseases among horses, cattle and other animals, a sum not exceeding five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1893.

Chap. 13. AN ACT MAKING APPROPRIATIONS FOR PRINTING AND BINDING PUBLIC DOCUMENTS, PURCHASE OF PAPER, PUBLISHING LAWS AND PREPARING TABLES AND INDEXES RELATING TO THE STATUTES.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-three, to wit:—

Public docu-
ments.

For printing and binding the series of public documents, under the direction of the secretary of the Commonwealth, a sum not exceeding fifty-five thousand dollars.

Pamphlet edi-
tion of laws.

For printing the pamphlet edition of the acts and resolves of the present year, for distribution in the Commonwealth, a sum not exceeding three thousand dollars.

Term reports.

For reports of decisions of the supreme judicial court, a sum not exceeding two thousand dollars.

Blue book
edition of laws.

For printing and binding the blue book edition of the acts and resolves of the present year, with the governor's message and other matters in the usual form, a sum not exceeding five thousand dollars.

Newspaper
publication of
laws, etc.

For the newspaper publication of the general laws and all information intended for the public, a sum not exceeding five hundred dollars.

Term reports
furnished to
new towns.

For reports of decisions of the supreme judicial court, to be furnished to each newly incorporated town by the secretary of the Commonwealth, a sum not exceeding five hundred dollars.

For assessors' books and blanks furnished cities and towns by the secretary of the Commonwealth, a sum not exceeding one thousand dollars.

Assessors' books and blanks.

For registration books and blanks, indexing returns and editing the registration report, a sum not exceeding two thousand dollars.

Registration books, etc.

For the purchase of paper for the Commonwealth, used in the execution of the contract for the state printing, under the direction of the secretary of the Commonwealth, a sum not exceeding twenty-seven thousand dollars.

Paper for state printing.

For printing and distributing at the public expense ballots cast at elections for national, state, district and county officers in the cities and towns in the Commonwealth, a sum not exceeding ten thousand dollars.

Printing and distributing ballots.

For blank forms for town officers, and for laws and instructions on all matters relating to elections, to be provided by the secretary of the Commonwealth, a sum not exceeding one thousand dollars.

Blanks, laws and instructions for elections.

For furnishing cities and towns with ballot boxes, a sum not exceeding one thousand dollars.

Ballot boxes.

For repairs, improvements in and inspection of ballot boxes in the possession of the several cities and towns of the Commonwealth, a sum not exceeding five hundred dollars.

Ballot box repairs, etc.

For providing election officers at each polling place in the Commonwealth with blank forms and suitable apparatus for the count and canvass of the votes cast at each state, city and town election, a sum not exceeding one thousand dollars.

Blanks and apparatus for election officers.

For furnishing suitable blank books to registrars of voters, by the secretary of the Commonwealth, a sum not exceeding five hundred dollars.

Registrars of voters.

For collating, indexing and publishing, in a style similar to that in which the blue books, so-called, are now published, all the acts and resolves of the general court from the adoption of the constitution to the year eighteen hundred and six, a sum not exceeding fifty-five hundred dollars.

Early laws.

For collating, indexing and publishing the records of the Massachusetts troops of the period of the revolutionary war, a sum not exceeding eight thousand six hundred thirty-seven dollars and twenty-five cents, as provided for by chapter one hundred of the resolves of the year eighteen hundred and ninety-one, the same being the unexpended balance of the amount authorized by chapter four

Revolutionary records.

hundred and thirty-one of the acts of the year eighteen hundred and ninety-one, the appropriation having expired by limitation.

Legislative
printing and
binding.

For printing and binding ordered by the senate and house of representatives, or by concurrent order of the two branches, a sum not exceeding twenty-four thousand five hundred dollars.

Tables and
indexes relating
to the statutes.

For the preparation of tables and indexes relating to the statutes of the present and previous years, under the direction of the governor, a sum not exceeding five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1893.

Chap. 14. AN ACT MAKING AN APPROPRIATION FOR INVESTIGATIONS INTO THE BEST METHODS OF PROTECTING THE PURITY OF INLAND WATERS.

Be it enacted, etc., as follows:

Appropriation.

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of certain expenses in connection with the protection of the purity of inland waters during the year eighteen hundred and ninety-three, to wit:—

Purity of inland
waters, etc.

For providing for investigations into the best methods of assuring the purity of water supplies and disposal of sewage, for services of engineers, clerks and other assistants, made necessary and authorized by chapter three hundred and seventy-five of the acts of the year eighteen hundred and eighty-eight, which requires the state board of health to have general care and oversight of all inland waters and report measures for preventing the pollution of the same; also for proper disposal of all sewage matter, a sum not exceeding twenty-seven thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1893.

Chap. 15. AN ACT MAKING APPROPRIATIONS FOR INCIDENTAL, CONTINGENT AND MISCELLANEOUS EXPENSES OF THE VARIOUS COMMISSIONS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Common-

wealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-three, to wit : —

COMMISSIONERS AND OTHERS.

For incidental and contingent expenses of the tax commissioner and commissioner of corporations, a sum not exceeding thirty-four hundred dollars.

Tax commissioner and commissioner of corporations.

For expenses of the state valuation, under the direction of the tax commissioner, a sum not exceeding three thousand dollars.

State valuation.

For travelling and incidental expenses of the commissioners of savings banks, a sum not exceeding thirty-three hundred dollars.

Commissioners of savings banks.

For incidental and contingent expenses in the department of the insurance commissioner, a sum not exceeding three thousand dollars.

Insurance commissioner.

For travelling and other necessary expenses of the harbor and land commissioners, a sum not exceeding six hundred dollars.

Harbor and land commissioners, travelling expenses.

For incidental and contingent office expenses of the harbor and land commissioners, a sum not exceeding eight hundred dollars.

Incidental expenses.

For the compensation of experts or other agents of the board of railroad commissioners, a sum not exceeding thirty-eight hundred dollars.

Railroad commissioners, agents.

For rent of office, care of office and salary of messenger for the board of railroad commissioners, a sum not exceeding thirty-one hundred dollars.

Messenger, etc.

For books, maps, statistics, stationery, incidental and contingent expenses of the board of railroad commissioners, a sum not exceeding two thousand dollars.

Expenses.

For travelling and incidental expenses of the inspector and assistant inspector of gas meters, a sum not exceeding six hundred and fifty dollars; and for such additional apparatus as the inspector of gas meters may find necessary, a sum not exceeding two hundred and fifty dollars.

Inspector and assistant inspector of gas meters.

For clerical assistance, expenses of examinations, printing of civil service rules and regulations and other information for the use of applicants, printing, advertising and stationery, care of office and rent of room for registration of laborers, travelling and incidental expenses of

Civil service commissioners.

the civil service commissioners, chief examiner and secretary, a sum not exceeding nine thousand dollars.

Controller of
county accounts.

For travelling and office expenses of the controller of county accounts, a sum not exceeding fifteen hundred dollars.

Board of
arbitration and
conciliation.

For travelling, incidental and contingent expenses of the state board of arbitration and conciliation, a sum not exceeding thirty four hundred dollars, which shall include the compensation of expert assistants.

State board of
health.

For general work of the state board of health, including all necessary travelling expenses, a sum not exceeding seventy-eight hundred dollars.

State pension
agent.

For clerical assistance, travelling expenses, rent, care of rooms and other necessary expenses of the state pension agent, a sum not exceeding four thousand dollars.

Deputy sealer
of weights,
measures and
balances, etc.

For travelling and other necessary expenses of the deputy sealer of weights, measures and balances, a sum not exceeding five hundred dollars; and for furnishing sets of standard weights, measures and balances to towns not heretofore provided therewith and to each newly incorporated town, also to provide cities and towns with such portions of said sets as may be necessary to make their sets complete, a sum not exceeding six hundred dollars.

Commissioner
of foreign
corporations.

For clerk hire, rent, janitor, gas, printing, postage, travelling and incidental expenses of the commissioner for the supervision of foreign corporations engaged in the business of selling or negotiating bonds, mortgages, notes or other choses in action, a sum not exceeding twenty-five hundred and sixty-five dollars.

Ballot law com-
mission.

For compensation and expenses of the ballot law commission, a sum not exceeding fifteen hundred dollars.

Treasurer, tax
on collateral
legacies, etc.

For such expenses as the treasurer and receiver general may find necessary to carry out the provisions of the act imposing a tax on collateral legacies and successions, a sum not exceeding five hundred dollars.

MISCELLANEOUS.

Inquests, acci-
dental deaths on
railroads.

For expenses in connection with taking evidence given at inquests on deaths by accidents upon steam and street railroads, a sum not exceeding two thousand dollars.

Moneys of cer-
tain insolvent
corporations.

For the payment of unclaimed moneys in the hands of the receivers of certain insolvent corporations, after the same have been deposited in the treasury of the Commonwealth, a sum not exceeding three thousand dollars.

To carry out the provisions of the act relative to the payment from the treasury of the Commonwealth of funds received from public administrators, a sum not exceeding four thousand dollars.

Funds received from public administrators.

For rent of rooms for the use of the civil service commissioners, a sum not exceeding fourteen hundred and fifty dollars.

Civil service commissioners, rooms.

For rent of rooms for the use of the bureau of statistics of labor and for the services of a janitor, a sum not exceeding three thousand dollars.

Bureau of statistics of labor, rooms, etc.

For rent of a room for the bureau of statistics of labor for storage purposes, a sum not exceeding five hundred dollars.

Rooms for storage.

For rent of suitable rooms to be used as a laboratory by the state board of health, a sum not exceeding five hundred dollars.

State board of health, laboratory.

For rent of rooms for the use of the controller of county accounts, a sum not exceeding six hundred and fifty dollars.

Controller of county accounts, rooms.

For contingent expenses of the bureau of statistics of labor, to be expended under the direction of the sergeant-at-arms, a sum not exceeding five hundred dollars.

Bureau of statistics of labor, expenses.

For expenses incurred in the construction and repair of roads in the town of Mashpee during the year eighteen hundred and ninety-two, the sum of three hundred dollars.

Roads in Mashpee.

For assistance to the town of Truro in maintaining a section of its county highway, known as Beach Point road, a sum not exceeding five hundred dollars.

Beach Point road in Truro.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1893.

AN ACT MAKING APPROPRIATIONS FOR EXPENSES IN CONNECTION WITH THE PRISONS OF THE COMMONWEALTH AND CERTAIN OTHER REFORMATORY EXPENSES.

Chap. 16.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-three, to wit:—

Appropriations.

For travelling expenses of the commissioners of prisons, and of the secretary and agents of said commissioners, a sum not exceeding twenty-five hundred dollars.

Commissioners of prisons, travelling expenses.

Incidental expenses.

For incidental and contingent expenses of the commissioners of prisons, a sum not exceeding twelve hundred dollars.

Removal of prisoners.

For expenses incurred in removing prisoners to and from state and county prisons, a sum not exceeding nine hundred dollars.

Aiding prisoners.

For aiding prisoners discharged from the Massachusetts reformatory at Concord, a sum not exceeding five thousand dollars.

Agent for aiding prisoners discharged from state prison.

For the salary of the agent for aiding prisoners discharged from the state prison at Boston, the sum of one thousand dollars; and for expenses of said agent, a sum not exceeding three thousand dollars, to be used in rendering assistance to said prisoners.

Agent for aiding discharged female prisoners.

For expenses of the agent for aiding discharged female prisoners discharged from the prisons of the Commonwealth, including assistance rendered to said prisoners, a sum not exceeding three thousand dollars.

State primary and reform schools.

For travelling and other necessary expenses of the trustees of the state primary and reform schools, a sum not exceeding one thousand dollars.

Sarah J. Robinson.

For the support of Sarah J. Robinson, a prisoner in the jail at Lowell in the county of Middlesex, a sum not exceeding four hundred dollars.

Arrest of fugitives from justice.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1893.

Chap. 17. AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE REFORMATORY PRISON FOR WOMEN AT SHERBORN.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of salaries and expenses at the reformatory prison for women at Sherborn, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-three, to wit : —

Reformatory prison for women, expenses.

For the payment of salaries and wages at the reformatory prison for women at Sherborn, a sum not exceeding twenty-four thousand dollars; and for other current expenses at said institution, a sum not exceeding thirty-one thousand dollars.

For the town of Framingham, toward the annual expense of maintaining and operating the system of sewage disposal at the reformatory prison for women, the sum of six hundred dollars.

Sewage disposal.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1893.

AN ACT MAKING AN APPROPRIATION FOR CURRENT EXPENSES AT THE MASSACHUSETTS HOSPITAL FOR DIPSO MANIACS AND INEBRIATES.

Chap. 18.

Be it enacted, etc., as follows :

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to meet the necessary expenses in excess of any income at the Massachusetts hospital for dipsomaniacs and inebriates at Foxborough, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-three, to wit : —

Appropriation.

For the payment of current expenses at the Massachusetts hospital for dipsomaniacs and inebriates, a sum not exceeding twenty-nine thousand dollars.

*Hospital for dip-
o-maniacs
and inebriates.*

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1893.

AN ACT MAKING AN APPROPRIATION FOR THE COMMONWEALTH'S FLATS IMPROVEMENT FUND.

Chap. 19.

Be it enacted, etc., as follows :

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to wit : —

Appropriation.

For the Commonwealth's flats improvement fund, for the purpose of continuing the improvements in the Commonwealth's flats at South Boston, a sum not exceeding ninety-five thousand dollars.

*Common-
wealth's flats
improvement
fund.*

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1893.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE MASSACHUSETTS REFORMATORY AT CONCORD.

Chap. 20.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Common-

Appropriations.

wealth from the ordinary revenue, for the payment of salaries and expenses at the Massachusetts reformatory at Concord, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-three, to wit : —

Massachusetts
reformatory.

For the payment of salaries at the Massachusetts reformatory at Concord, a sum not exceeding sixty-nine thousand dollars ; for salaries and wages of instructors, teachers and other employees, a sum not exceeding twenty thousand dollars ; and for other current expenses at said institution, a sum not exceeding one hundred and eight thousand and eight hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1893.

Chap. 21. AN ACT MAKING APPROPRIATIONS FOR CARRYING OUT THE PROVISIONS OF THE ACT RELATING TO THE EMPLOYMENT OF LABOR IN THE PRISONS OF THE COMMONWEALTH.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of carrying out the provisions of chapter four hundred and forty-seven of the acts of the year eighteen hundred and eighty-seven, relating to the employment of prisoners in the various prisons of the Commonwealth, during the year eighteen hundred and ninety-three, to wit : —

General super-
intendent of
prisons, salary.
Clerical assist-
ance.

For the salary of the general superintendent of prisons, thirty-five hundred dollars.

Travelling
expenses.

For clerical assistance to the general superintendent of prisons, a sum not exceeding one thousand dollars.

Incidental
expenses.

For travelling expenses of the general superintendent of prisons, a sum not exceeding five hundred dollars.

Industries,
State prison.

For incidental and contingent expenses of the general superintendent of prisons, including rent of office, a sum not exceeding fifteen hundred dollars.

Massachusetts
reformatory.

For maintaining industries at the state prison at Boston a sum not exceeding one hundred and forty thousand dollars.

For maintaining industries at the Massachusetts reformatory, a sum not exceeding forty-five thousand dollars.

For maintaining industries at the reformatory prison for women, a sum not exceeding four thousand dollars.

Reformatory
prison for
women.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1893.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
AT THE STATE ALMSHOUSE AT TEWKSBURY.

Chap. 22.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of salaries and expenses at the state almshouse at Tewksbury during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-three, to wit: —

Appropriations.

For the payment of salaries, wages and labor at the state almshouse at Tewksbury, a sum not exceeding thirty-one thousand dollars; and for other current expenses at said institution, a sum not exceeding ninety-two thousand five hundred dollars.

State alms-
house.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1893.

AN ACT RELATIVE TO TEMPORARY LOANS BY CITIES AND TOWNS.

Chap. 23.

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter twenty-nine of the Public Statutes, as amended by section four of chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-five and by chapter three hundred and seventy-two of the acts of the year eighteen hundred and eighty-nine, is further amended by adding at the end thereof the words: — but such loans shall not be considered or reckoned in determining the authorized limit of indebtedness of the city or town, — so as to read as follows: — *Section 6.* Cities and towns may, by ordinary vote, incur debts for temporary loans in anticipation of the taxes of the municipal year in which such debts are incurred and expressly made payable therefrom by vote of the city or town; but such loans shall not be considered or reckoned in determining the authorized limit of indebtedness of the city or town.

P. S. 29, § 6;
1885, 312, § 4;
1889, 372
amended.

Temporary
loans in antici-
pation of taxes.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1893.

Chap. 24. AN ACT MAKING AN APPROPRIATION FOR COMPENSATION AND MILEAGE OF OFFICERS AND MEN OF THE VOLUNTEER MILITIA AND FOR OTHER EXPENSES OF THE MILITARY DEPARTMENT.

Be it enacted, etc., as follows:

- Appropriations.** SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-three, to wit: —
- Militia, compensation.** For the compensation of officers and men of the volunteer militia, a sum not exceeding one hundred and two thousand dollars.
- Transportation.** For transportation of officers and men of the volunteer militia, when on military duty, a sum not exceeding eighteen thousand dollars.
- Incidental expenses.** For incidental and contingent expenses in the adjutant general's department, a sum not exceeding three thousand dollars.
- Rent of armories.** For rent of brigade and battalion headquarters and company armories, a sum not exceeding thirty-seven thousand dollars.
- Quartermasters' supplies.** For quartermasters' supplies, a sum not exceeding fifteen thousand dollars.
- Incidental expenses.** For incidental and contingent expenses of the quartermaster general's department, a sum not exceeding five thousand dollars.
- Camp ground.** For grading and care of the camp ground of the Commonwealth at Framingham, a sum not exceeding one thousand dollars.
- Military accounts.** For military accounts in connection with the volunteer militia, not otherwise provided for, a sum not exceeding four thousand dollars.
- Record of officers, sailors, etc.** For expenses in connection with the record of Massachusetts officers, sailors and marines, a sum not exceeding two thousand dollars.
- Care, etc., of armories.** For expenses of the care, furnishing and repairs of the armories recently erected in the cities of Boston, Fitchburg, Lawrence, Lowell and Worcester, for the use of certain of the volunteer militia, a sum not exceeding fifteen thousand three hundred dollars.
- Clothing.** For allowance and repairs of clothing of the volunteer militia, a sum not exceeding eight thousand dollars.

For expenses in connection with the rifle practice of the volunteer militia, a sum not exceeding nine thousand dollars.

Rifle practice.

Any sums of money received under the provisions of section eighty-seven of chapter four hundred and eleven of the acts of the year eighteen hundred and eighty-seven, and from the sale of grass at the state camp ground, during the year eighteen hundred and ninety-three, may be expended by the quartermaster general during the present year, under the direction of the governor and council, for the construction and repair of buildings or other structures.

Disposition of proceeds of sale of grass at camp ground, etc.

SURGEON GENERAL'S DEPARTMENT.

For medical supplies for the use of the volunteer militia, and for incidental and contingent expenses of the surgeon general, a sum not exceeding twelve hundred and fifty dollars.

Medical supplies, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1893.

AN ACT RELATING TO THE TRUSTEES OF THE WESLEYAN ACADEMY.

Chap. 25.

Be it enacted, etc., as follows :

SECTION 1. The Trustees of the Wesleyan Academy elected after the acceptance of this act, as hereinafter provided, shall hold office for a term of years, eligible for reëlection. The entire board of thirty members shall be divided into five classes of six members each. The New England conference of the Methodist Episcopal church and the New York east conference of the Methodist Episcopal church, shall each be entitled to elect two trustees, and the board of trustees the remainder, as provided in the following sections.

Trustees of the Wesleyan Academy.

SECTION 2. The New England conference and the New York east conference, at their next annual sessions after the acceptance of this act, as hereinafter provided, shall each have the right to elect two trustees, to serve one for five years and one for three years ; and thereafter to elect as each term of office shall expire one trustee for the full term of five years. Each conference shall determine for itself the manner of election, and cause its secretary to certify the result thereof to the board of trustees, and the person or persons so certified shall be deemed to have been elected.

Election by conferences.

Election by
board of
trustees.

SECTION 3. At the next annual meeting held after the acceptance of this act the board of trustees shall elect four trustees to serve for the term of five years, six trustees to serve for the term of four years, four trustees to serve for the term of three years, six trustees to serve for the term of two years, six trustees to serve for the term of one year, and each year thereafter shall elect for the term of five years such number of trustees as together with those to be elected by the conferences shall not exceed the full number in each class. Such election shall be by ballot, and otherwise conducted as may be determined by the trustees.

Term of office,
filling of
vacancies, etc.

SECTION 4. The term of office of all trustees who shall be first elected under this act shall commence at the adjournment of the next annual meeting of the trustees held after the acceptance of this act; and thereafter the official year of all trustees shall begin with each commencement day of said academy. Any vacancy may be filled by election by the body which elected the trustee whose place is vacant, all such elections to be conducted as an original election, and any trustee so elected to hold office from the time of his election until the expiration of the time of the trustee whose place is vacant.

Powers, duties,
etc.

SECTION 5. The trustees elected under this act shall have all the powers and privileges and be subject to all the duties, liabilities and obligations contained in the act of incorporation of the Trustees of the Wesleyan Academy and in the acts in amendment thereof or in addition thereto, and shall be the regular and lawful successors of the Trustees of the Wesleyan Academy; and all lands, moneys and other property belonging to said trustees shall be confirmed to the trustees elected under the provisions of this act, and to their successors forever, for the uses for which the same were originally granted or obtained.

Repeal.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed.

To take effect
upon accept-
ance, etc.

SECTION 7. This act shall not take effect until accepted by the board of Trustees of Wesleyan Academy at an annual meeting, by a two thirds vote of those present, and such acceptance shall not operate to subject the act incorporating said Trustees of Wesleyan Academy, as heretofore altered or amended, to repeal, alteration or amendment, without the consent of said corporation.

Approved February 10, 1893.

AN ACT TO AUTHORIZE THE STATE ASSOCIATION OF YOUNG WOMEN'S CHRISTIAN ASSOCIATIONS OF MASSACHUSETTS AND RHODE ISLAND TO HOLD ITS ANNUAL MEETINGS WITHOUT THE COMMONWEALTH. *Chap. 26.*

Be it enacted, etc., as follows :

SECTION 1. The State Association of Young Women's Christian Associations of Massachusetts and Rhode Island may hold its annual meetings in the state of Rhode Island ; and its acts at such meetings shall have the same effect as if done within the Commonwealth. May hold meetings in Rhode Island.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1893.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE FARM AT BRIDGEWATER. *Chap. 27.*

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of salaries and expenses at the state farm at Bridgewater during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-three, to wit : — Appropriations.

For the payment of salaries, wages and labor at the state farm at Bridgewater, a sum not exceeding twenty-two thousand five hundred dollars ; and for other current expenses at said institution, a sum not exceeding sixty-one thousand five hundred dollars. State farm.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1893.

AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND NINETY-TWO. *Chap. 28*

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of certain expenses in excess of appropriations therefor in the year eighteen hundred and ninety-two, to wit : — Appropriations

For registration books and blanks, the sum of ninety-eight dollars and eighty-seven cents. Registration books and blanks.

Auxiliary
visitors.

For travelling and other necessary expenses of the auxiliary visitors of the board of lunacy and charity, the sum of seventy-six dollars and fifty cents.

State lunatic
paupers.

For the support and relief of state paupers in state lunatic hospitals and asylums of the Commonwealth, the sum of four thousand nine hundred thirty-six dollars and seventy-nine cents.

Deaf pupils.

For the education of deaf pupils of the Commonwealth, in the schools designated by law, the sum of three thousand seven hundred twenty-one dollars and ten cents.

State primary
school.

For current expenses at the state primary school at Monson, the sum of nine hundred ninety-nine dollars and forty-six cents.

State farm.

For salaries and expenses at the state farm at Bridgewater, the sum of four thousand seven hundred seventy-nine dollars and seventy-four cents.

State and mili-
tary aid.

For reimbursement to cities and towns for money paid on account of state and military aid to Massachusetts volunteers and their families, the sum of ten thousand one hundred twenty dollars and sixteen cents.

Bureau of
statistics of
labor.

For expenses in the bureau of statistics of labor, the sum of seventy-two dollars and ninety-three cents.

Statistics of
manufactures.

For expenses in connection with the annual collection of statistics of manufactures, the sum of four hundred forty-one dollars and thirty-four cents.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1893.

Chap. 29. AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE TRUSTEES OF THE MEDFIELD INSANE ASYLUM.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to meet certain authorized expenses at the Medfield insane asylum, in process of building in the town of Medfield, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-three, to wit : —

Medfield insane
asylum, build-
ing committee.

For the compensation of the building committee of the trustees of the Medfield insane asylum, a sum not exceeding sixty-five hundred dollars.

For travelling and other necessary expenses of the Trustees. trustees of said asylum, to include office rent, clerk hire and telephones, a sum not exceeding four thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1893.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES *Chap. 30.*
AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appro- Appropriations. priated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of salaries and expenses at the state industrial school for girls at Lancaster during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-three, to wit:—

For the payment of salaries, wages and labor at the State industrial school. state industrial school for girls at Lancaster, a sum not exceeding nine thousand dollars; and for other current expenses at said institution, a sum not exceeding twelve thousand seven hundred and thirty-five dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1893.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES *Chap. 31.*
AT THE LYMAN SCHOOL FOR BOYS AT WESTBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appro- Appropriations. priated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of salaries and expenses at the Lyman school for boys at Westborough for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-three, to wit:—

For the payment of salaries, wages and labor at the Lyman school for boys at Westborough, a sum not exceed- Lyman school for boys. ing twenty-one thousand six hundred and eighty-five dollars; and for other current expenses at said institution, a sum not exceeding thirty-two thousand two hundred and twenty-five dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1893.

Chap. 32. AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
AT THE STATE PRIMARY SCHOOL AT MONSON.

Be it enacted, etc., as follows:

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of salaries and expenses at the state primary school at Monson during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-three, to wit: —

State primary school. For the payment of salaries, wages and labor at the state primary school at Monson, a sum not exceeding eighteen thousand six hundred and seventy-six dollars; and for other current expenses at said institution, a sum not exceeding thirty-two thousand three hundred and twenty-four dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1893.

Chap. 33. AN ACT MAKING APPROPRIATIONS FOR SUNDRY CHARITABLE
EXPENSES.

Be it enacted, etc., as follows:

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet sundry charitable expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-three, to wit: —

STATE BOARD OF LUNACY AND CHARITY.

Board of lunacy and charity. For expenses of the board of lunacy and charity, including travelling and other expenses of members, necessary legal expenses, and salary and expenses of the clerk and auditor, a sum not exceeding forty-five hundred dollars.

Indoor poor. For salaries and expenses in the department of indoor poor, a sum not exceeding forty thousand dollars.

Outdoor poor. For salaries and expenses in the department of outdoor poor, a sum not exceeding twenty-one thousand five hundred dollars.

Inspector of institutions. For salaries and expenses in the department of the

inspector of institutions, a sum not exceeding ten thousand five hundred dollars.

For travelling and other necessary expenses of the auxiliary visitors of the state board of lunacy and charity, a sum not exceeding fifteen hundred dollars.

Auxiliary
visitors.

MISCELLANEOUS CHARITABLE.

For transportation of state paupers, a sum not exceeding eighteen thousand dollars.

Transportation
of state paupers.

For the support and relief of state paupers in state lunatic hospitals and asylums of the Commonwealth, and of state lunatic paupers boarded out in families, a sum not exceeding one hundred and eighty-five thousand dollars.

State lunatic
paupers.

The reimbursement of expenses incurred by certain towns in the maintenance of the insane, as provided for in chapter two hundred and forty-three of the acts of the year eighteen hundred and ninety-two, shall be paid from the appropriation for the support of state lunatic paupers, and any unpaid bills for the year eighteen hundred and ninety-two may be paid from this appropriation.

Maintenance of
insane paupers,
by certain
towns.

For expenses attending the management of cases of settlement and bastardy, a sum not exceeding fifteen hundred dollars.

Cases of settle-
ment and
bastardy.

For care and maintenance of indigent and neglected children, and juvenile offenders, a sum not exceeding thirty-two thousand dollars.

Indigent and
neglected chil-
dren.

For the support of state paupers in the Massachusetts school for the feeble-minded, and the hospital cottages for children at Baldwinville, a sum not exceeding ten thousand dollars.

State paupers,
feeble-minded,
etc.

For the support of sick state paupers by cities and towns, for the year eighteen hundred and ninety-three and previous years, the same to include cases of wife settlement, a sum not exceeding seventy-five thousand dollars.

Sick state
paupers.

For burial of state paupers by cities and towns, for the present and previous years, a sum not exceeding ten thousand dollars.

Burial of state
paupers.

For temporary aid for state paupers and shipwrecked seamen, by cities and towns, for the present and previous years, a sum not exceeding twenty thousand dollars.

Temporary aid.

For the support and transportation of pauper infants in this Commonwealth, including infants in infant asylums, a sum not exceeding twenty-five thousand dollars.

Pauper infants.

Dangerous
diseases.

For expenses incurred in connection with smallpox and other diseases dangerous to the public health, a sum not exceeding three thousand dollars, which is hereby made applicable for the payment of claims for the present and previous years.

Medical
examiners.

For fees for medical examiners, a sum not exceeding five hundred dollars.

Johonnot
annuities.

For annuities due from the Commonwealth, incurred by the acceptance of the bequest of the late Martha Johonnot, a sum not exceeding four hundred dollars.

Annuities to
soldiers, etc.

For annuities to soldiers and others, as authorized by the legislature, the sum of thirty-four hundred and thirty-two dollars.

Pensions.

For pensions, the sum of five hundred and twenty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1893.

Chap. 34. AN ACT TO AUTHORIZE THE WASHBURN AND MOEN MANUFACTURING COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, etc., as follows :

May increase
capital stock.

SECTION 1. The Washburn and Moen Manufacturing Company is hereby authorized to increase its capital stock, in the manner provided by law, at such times and in such amounts as it may from time to time determine : *provided*, the whole amount of capital stock of said Washburn and Moen Manufacturing Company shall not exceed ten million dollars.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1893.

Chap. 35. AN ACT TO AUTHORIZE THE TOWN OF WINCHESTER TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows :

May make an
additional water
loan.

SECTION 1. The town of Winchester, for the purpose of completing its water supply system and supplying said town with water, is authorized to issue notes or bonds from time to time as it may deem necessary, to an amount not exceeding one hundred thousand dollars in addition to the amounts already authorized to be borrowed for water purposes, upon the conditions and in the manner set forth in chapter two hundred and sixty-five of the acts of the

year eighteen hundred and seventy-two as modified by chapter four hundred and thirteen of the acts of the year eighteen hundred and ninety, the same to be denominated Winchester Water Fund Bonds, and to be payable at periods of not more than thirty years from their respective dates.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1893.

AN ACT CODIFYING AND AMENDING THE LAWS RELATING TO THE
ALEWIFE FISHERY IN MILL AND ESSEX RIVERS IN THE TOWN OF
ESSEX.

Chap. 36.

Be it enacted, etc., as follows:

SECTION 1. The selectmen of the town of Essex for the time being, or a major part of them, are hereby empowered, in the month of March or April annually, to prescribe the time, place or places, and the manner of taking alewives in Mill river or brook and Essex river in the town of Essex, such time not to exceed three days in a week; and they may either appoint some suitable person or persons to take the same and fix the compensation to be paid therefor, or they may in their discretion annually sell at public auction the right to take alewives in said Mill and Essex rivers, under such regulations as they may make under this section. The said selectmen are hereby authorized to offer and pay suitable rewards for the detection and punishment of persons violating the provisions of this act, and shall be entitled to reimbursement from said town of Essex or from the proceeds of the sale of said right to take said alewives, for all sums expended for the said rewards or the enforcement of this act; and the said town of Essex, in addition to other purposes authorized by law, is authorized to raise and appropriate money for enforcing this act.

Time, place,
manner, etc., of
taking alewives
in Mill and
Essex rivers.

SECTION 2. The owners or occupants of dams across said Mill and Essex rivers shall annually during such time, not exceeding sixty days in each year, as shall be prescribed by the selectmen of said town or the major part of them for the time being, keep constantly open and maintain through, over or around their respective dams a passageway sufficient and proper for the passage of said fish, to the satisfaction of said selectmen, under a penalty of not less than ten nor more than sixty dollars for each

Opening and
maintenance of
fishways, etc.

and every twenty-four hours they shall neglect to open a passageway as aforesaid; and the said selectmen shall, thirty days at least before the commencement of said period, notify in writing the owners or occupants of said dams, of the time when the said passageways shall be opened and the manner in which they shall be constructed and regulated.

Course of
stream not to be
obstructed, etc.

SECTION 3. The said selectmen of the town of Essex, either personally or by their agents duly authorized, shall have full power and authority to cause the natural course of the stream through which said fish pass, to be kept open and free of obstructions, except the dams aforesaid, and to remove all such obstructions except as aforesaid; and for that purpose, as well as for the other purposes of this act, they or their agents shall have authority to go upon the land or meadow of any person through which said stream runs, without being deemed trespassers; and if any person or persons shall molest the said selectmen or either of them, or any of their said agents, in the execution of his or their duties under this act, or shall obstruct the passage of said fish, except as aforesaid, the person or persons so offending shall, on conviction thereof before any court of competent jurisdiction in the county of Essex, be fined for every such offence not less than ten nor more than twenty dollars.

Penalties; evi-
dence of unlaw-
ful taking, etc.

SECTION 4. Any person or persons taking any of the fish aforesaid in said Mill and Essex rivers, or in the ponds in which said fish cast their spawn, at any time or in any place or manner other than shall be allowed by said selectmen as aforesaid, or who shall receive such alewives knowing or having reasonable cause to believe that the same have been taken contrary to the provisions of this act, shall for each and every offence, on conviction thereof, be fined not less than twenty-five cents nor more than one dollar for each and every alewife so taken, or shall be imprisoned in the jail or house of correction for a period not exceeding sixty days. The possession of alewives in the woods, swamps and other lands, whether public or otherwise, in the town of Essex bordering on the said Mill and Essex rivers or its tributaries, or in the buildings over or near said Mill river or its tributaries in said town, or in any boat or other craft, cart, wagon or other vehicle in or near said Mill and Essex rivers or its tributaries, or the pond in which said fish cast their spawn, in the months

of April, May or June of each year, by any person or persons other than those lawfully entitled to take the same under said regulations, shall be deemed *prima facie* evidence of an unlawful taking or receiving under the provisions of this act.

SECTION 5. Any deputy sheriff, police officer or constable of the town of Essex is hereby empowered to make search for and seize in said town without warrant any of said fish which he has reason to suspect were taken at any time or place or in any way prohibited by law, together with any boat or other craft, cart, wagon or other vehicle, or the cask, barrel or other vessel containing the same, which, if used in such illegal taking or receiving, are hereby declared to be forfeited. Said officer immediately after such seizure shall give public notice of the same by posting up notices thereof in two public places near the place where such seizure was made, and if no person or persons shall appear and claim said fish of such officer within twelve hours after posting said notices, said fish and the boat or other craft, cart, wagon or other vehicle, and the cask, barrel or other vessel containing the same shall be forfeited, and the same shall be sold by public auction and the net proceeds of such sale shall enure to the benefit of the town of Essex. If a claimant for such property shall appear within said twelve hours after the posting of said notices, the officer shall libel the same according to law, or at the request of said selectmen or any of them shall sell said fish or other property at public auction and libel the proceeds of such sale according to law. In case said property or proceeds are forfeited the benefit thereof shall enure to said town of Essex.

Search for, seizure and sale of fish unlawfully taken, etc.

SECTION 6. From and after the passage of this act the inhabitants of said town of Essex at their annual March meeting shall determine the quantity of said fish that each family in said town shall receive, and establish the price they shall pay therefor.

Quantity of fish for each family to be determined by town.

SECTION 7. One third of all the forfeitures incurred by virtue of this act shall be paid to the person or persons giving information, and the remaining two thirds to the town of Essex, to be recovered in an action of contract in any court having jurisdiction of the same, to be brought by the treasurer of said town, or, if said treasurer shall neglect to bring such action for a space of ten days after being thereto requested, by the person or persons

Recovery and disposition of forfeitures.

Fish commis-
sioners to have
control of dams.

giving the information, in the name and for the sole benefit of such person or persons. The fish commissioners shall have the same control of dams on said streams as given them in chapter ninety-one of the Public Statutes.

Repeal.

SECTION 8. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 9. This act shall take effect upon its passage.

Approved February 21, 1893.

Chap. 37. AN ACT TO EXEMPT THE CITY OF CHICOPEE FROM THE PROVISIONS OF AN ACT RELATIVE TO THE LIMIT OF THE MUNICIPAL DEBT AND THE RATE OF TAXATION IN CITIES.

Be it enacted, etc., as follows :

Limit of munic-
ipal debt and
rate of taxation
in Chicopee.

SECTION 1. The city of Chicopee is hereby exempted from the operation of section one of chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-five until the first day of January in the year eighteen hundred and ninety-six.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1893.

Chap. 38. AN ACT TO INCREASE THE CAPITAL STOCK OF THE AMERICAN CONGREGATIONAL ASSOCIATION.

Be it enacted, etc., as follows :

May increase
capital stock ;
investments.

SECTION 1. The American Congregational Association is hereby authorized to increase its capital stock by adding thereto a sum not exceeding five hundred thousand dollars, and to invest such portion thereof in real and personal estate as may be necessary and convenient for the purposes for which it was incorporated.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1893.

Chap. 39. AN ACT RELATIVE TO THE APPOINTMENT AND ELECTION OF SPECIAL COMMISSIONER, IN CASE OF VACANCY OR FAILURE TO ELECT.

Be it enacted, etc., as follows :

Filling of
vacancy in
office of special
commissioner
by appointment.

SECTION 1. Whenever a vacancy occurs in the office of special commissioner, or there is a failure to elect a special commissioner, in any county, the county commissioners for the county, or a majority of them, may, if they shall deem it expedient and for the interest of the public, appoint some suitable person to be special com-

missioner, who shall exercise all the powers and be subject to all the disabilities which pertain to such office, under the statutes of this Commonwealth; and the person so appointed shall hold his office until the first Wednesday in January succeeding the appointment.

SECTION 2. If there is a failure to elect a special commissioner in any county the board of examiners shall duly order a special commissioner to be chosen at the annual election in November following, whether an appointment has been made under the provisions of this act or otherwise, and shall issue their warrants therefor in the same manner as provided in section two of chapter one hundred and fifteen of the acts of the year eighteen hundred and ninety-two; and the person chosen shall fill the office for the remainder of the term.

Filling of vacancy by election.

SECTION 3. The provisions of this act shall apply in any case where there was failure to elect at the annual election held in November, eighteen hundred and ninety-two.

Applicable where there was failure to elect in 1892.

SECTION 4. So much of the provisions of section one hundred and ninety-eight of chapter four hundred and twenty-three of the acts of the year eighteen hundred and ninety as relates to special commissioners, and all provisions of law inconsistent herewith, are hereby repealed.

Repeal of 1890, 423, § 198.

SECTION 5. This act shall take effect upon its passage.

Approved February 23, 1893.

AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS NAUTICAL TRAINING SCHOOL.

Chap. 40.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of expenses in fitting up, properly equipping and for the current expenses of the United States ship Enterprise, which has been detailed for the use of the Massachusetts nautical training school, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-three, to wit:—

Appropriations.

For properly fitting up and equipping the United States ship Enterprise for the use of the Massachusetts nautical training school, and for carrying out certain contracts

Nautical training school, U. S. ship Enterprise.

made with the navy department in relation to repairing the same, a sum not exceeding thirty-nine thousand three hundred sixty-seven dollars and seventy-five cents, the same being the unexpended balance of the amount authorized by chapter four hundred and two of the acts of the year eighteen hundred and ninety-one, the appropriation having expired by limitation.

Expenses.

For current expenses of said nautical training school, a sum not exceeding fifty thousand dollars.

Commissioners,
secretary, etc.

For necessary expenses of the board of commissioners of the Massachusetts nautical training school, to include compensation of secretary, clerical services, printing, stationery and other contingent expenses, a sum not exceeding six thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1893.

Chap. 41. AN ACT RELATIVE TO THE SALE OF MILK ON THE LORD'S DAY.

Be it enacted, etc., as follows :

Sale of milk on
the Lord's day.

Nothing in section two of chapter ninety-eight of the Public Statutes, or acts amendatory thereof, shall be held to prohibit the wholesale or retail sale or delivery of milk on the Lord's day.

Approved February 25, 1893.

Chap. 42. AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE WIDOW OF GEORGE B. MUNROE LATE AN OFFICER IN ATTENDANCE UPON THE SUPERIOR COURT FOR THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows :

May pay salary
to widow of
George B.
Munroe.

SECTION 1. The board of aldermen of the city of Boston, acting as county commissioners, are authorized to pay to the widow of George B. Munroe late an officer in attendance upon the superior court within and for the county of Suffolk, the balance of the salary for the year eighteen hundred and ninety-two to which he would have been entitled had he lived and continued to be such officer during the remainder of said year; but no part thereof shall be paid by the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1893.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY EDUCATIONAL EXPENSES. *Chap. 43.*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are ap- Appropriations.
propriated, to be paid out of the treasury of the Com-
monwealth from the ordinary revenue, except as herein
provided, to meet expenses for the year ending on the
thirty-first day of December in the year eighteen hundred
and ninety-three, to wit: —

For the support of state normal schools, including an State normal
accountant and certain other expenses of the boarding schools.
houses at Bridgewater, Framingham and Westfield, a sum
not exceeding one hundred and six thousand two hundred
and seventy-four dollars, to be paid out of the moiety of
the income of the Massachusetts school fund applicable to
educational purposes, and the excess, if any, from the
treasury of the Commonwealth.

For the support of the state normal art school, a sum State normal
not exceeding eighteen thousand dollars, to be paid out of art school.
the moiety of the income of the Massachusetts school
fund applicable to educational purposes, and the excess,
if any, from the treasury of the Commonwealth.

For expenses of teachers' institutes, a sum not exceed- Teachers'
ing two thousand dollars, to be paid out of the moiety of institutes.
the income of the Massachusetts school fund applicable to
educational purposes.

For expenses of county teachers' associations, a sum County teach-
not exceeding three hundred dollars, to be paid out of the ers' associations.
moiety of the income of the Massachusetts school fund
applicable to educational purposes.

For the Massachusetts teachers' association, the sum of Massachusetts
three hundred dollars, to be paid out of the moiety of teachers' asso-
the income of the Massachusetts school fund applicable to ciation.
educational purposes, subject to the approval of the state
board of education.

For salaries and expenses of agents of the state board Board of educa-
of education, a sum not exceeding nineteen thousand six tion, agents.
hundred and fifty dollars.

For incidental and contingent expenses of the state Incidental
board of education, and of the secretary thereof, a sum expenses.
not exceeding eighteen hundred dollars.

For the Dukes County teachers' association, the sum Dukes County
of fifty dollars. teachers' asso-
ciation.

Pupils in state
normal schools.

For aid to pupils in normal schools, a sum not exceeding four thousand dollars, payable in semi-annual instalments, to be expended under the direction of the state board of education.

Travelling
expenses of
board.

For travelling and other necessary expenses of the members of the state board of education, a sum not exceeding six hundred dollars.

Deaf pupils.

For the education of deaf pupils of the Commonwealth in the schools designated by law, a sum not exceeding thirty-eight thousand dollars.

Free public
libraries.

To carry out the provisions of the act to promote the establishment and efficiency of free public libraries, a sum not exceeding three thousand dollars; and for clerical assistance, incidental and necessary expenses of the board of library commissioners, a sum not exceeding five hundred dollars.

Contingent
expenses of
state library.

For contingent expenses of the state library, to be expended under the direction of the trustees and librarian, a sum not exceeding one thousand dollars.

Rogers book
fund, Todd
normal school
fund.

The income of the Rogers book fund, of the Todd normal school fund, and of the two educational funds, shall be expended in accordance with the provisions of the various acts relating thereto.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1893.

Chap. 44. AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE WIDOW OF FRANCIS J. BAXTER LATE AN OFFICER IN ATTENDANCE UPON THE SUPERIOR COURT FOR THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

May pay salary
to widow of
Francis J.
Baxter.

SECTION 1. The board of aldermen of the city of Boston, acting as county commissioners, are authorized to pay to the widow of Francis J. Baxter late an officer in attendance upon the superior court within and for the county of Suffolk, the balance of the salary for the year eighteen hundred and ninety-two to which he would have been entitled had he lived and continued to be such officer during the remainder of said year; but no part thereof shall be paid by the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1893.

AN ACT TO AUTHORIZE THE VINEYARD HAVEN WATER COMPANY
TO INCREASE ITS CAPITAL STOCK. *Chap. 45.*

Be it enacted, etc., as follows:

SECTION 1. The Vineyard Haven Water Company is hereby authorized to increase its capital stock to an amount which, together with the amounts heretofore authorized by law, shall not exceed in the aggregate the sum of fifty thousand dollars. May increase capital stock.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1893.

AN ACT MAKING AN APPROPRIATION FOR COMPENSATION AND
EXPENSES OF THE JOINT SPECIAL COMMITTEE ON SHORTENING
THE SESSIONS OF THE GENERAL COURT, APPOINTED BY THE
LEGISLATURE OF THE YEAR EIGHTEEN HUNDRED AND NINETY-
TWO. *Chap. 46.*

Be it enacted, etc., as follows:

SECTION 1. The sum of fifty-seven hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the compensation and expenses of the joint special committee appointed by the legislature of the year eighteen hundred and ninety-two to sit during the recess, to examine into the system of introducing business into the general court and to consider what steps should be taken to shorten the sessions. Appropriation, committee on shortening sessions of legislature.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1893.

AN ACT TO AMEND THE LAW RELATIVE TO FRATERNAL BENEFI-
CIARY CORPORATIONS SO AS TO FURTHER THE FORMATION OF
SUCH ORGANIZATIONS AMONG PERMANENT EMPLOYEES OF TOWNS
AND CITIES. *Chap. 47.*

Be it enacted, etc., as follows:

SECTION 1. Section ten of chapter four hundred and twenty-nine of the acts of the year eighteen hundred and eighty-eight as amended by chapter three hundred and forty-one of the acts of the year eighteen hundred and ninety, is hereby amended by striking out in the ninth and tenth lines, the words "a particular town or city", 1888, 429, §10;
1890, 341,
amended.

Assessments.

and inserting in place thereof the words:—towns and cities,—so as to read as follows:—*Section 10.* Any corporation organized under or conducting its business in accordance with the provisions of this act, and which has no per capita tax, may make not exceeding three assessments per year to meet its reasonably necessary expenses. The purpose of such assessments shall be clearly stated in calls therefor, and no assessment shall be called while the amount of one assessment remains on hand. Any corporation organized as aforesaid which limits its membership to the permanent employees of towns and cities and which pays only annuities or gratuities contingent upon disability or long service, shall not be subject to the foregoing limitation as to the amount of funds to be held for purposes of its organization, and may accept and hold gifts, legacies or other contributions therefor. No corporation shall reinsure with or transfer its membership certificates or funds to any organization not authorized to do business in this Commonwealth.

Limitation as to amount of funds.

Transfer of membership certificates, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1893.

Chap. 48. AN ACT AUTHORIZING THE TOWN OF MARBLEHEAD TO APPROPRIATE MONEY FOR PURCHASING A SET OF FLAGS.

Be it enacted, etc., as follows:

May make an appropriation for flags for U. S. ship Marblehead.

SECTION 1. The town of Marblehead is hereby authorized to appropriate a sum not exceeding three hundred dollars, for the purpose of purchasing a set of flags to be presented to the United States government for the use of the war ship Marblehead.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1893.

Chap. 49. AN ACT FOR THE BETTER PROTECTION OF QUAIL ON THE ISLAND OF NANTUCKET.

Be it enacted, etc., as follows:

Penalty for taking or killing quail at Nantucket.

Whoever takes or kills a quail on the island of Nantucket at any time within two years from the passage of this act shall be punished by a fine of twenty dollars for every bird so taken or killed.

Approved February 25, 1893.

AN ACT TO AUTHORIZE THE TRUSTEES OF THE THAYER ACADEMY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. *Chap. 50.*

Be it enacted, etc., as follows:

SECTION 1. The Trustees of the Thayer Academy are hereby authorized, for the purposes set forth in its act of incorporation, to hold real and personal estate to an amount which together with the amounts heretofore authorized by law shall not exceed in the aggregate seven hundred thousand dollars.

May hold additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1893.

AN ACT RELATING TO PENSIONING MEMBERS OF THE POLICE DEPARTMENT OF THE CITY OF BOSTON. *Chap. 51.*

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter three hundred and fifty-three of the acts of the year eighteen hundred and ninety-two is hereby amended by adding at the end of said section the following:—and the said board may, by majority vote of the members thereof, with the approval of the mayor, hereafter allow and pay to former members of the police department of said city, pensioned under the provisions of chapter two hundred and forty-four of the acts of the year eighteen hundred and seventy-eight or of chapter one hundred and seventy-eight of the acts of the year eighteen hundred and eighty-seven and now on the pension rolls of said city, as an annual pension, one half of the amount of compensation received by them at the time of their retirement,—so as to read as follows:—*Section 2.* The amount of the annual pension allowed to any person retired under the provisions of this act shall be one half of the amount of compensation received by him at the time of such retirement, the same to be paid by the city of Boston; and the said board may, by majority vote of the members thereof, with the approval of the mayor, hereafter allow and pay to former members of the police department of said city, pensioned under the provisions of chapter two hundred and forty-four of the acts of the year eighteen hundred and seventy-eight or of chapter one hundred and seventy-eight of the acts of the year eighteen hundred and eighty-seven and now on the pension rolls of said city, as an annual pen-

1892, 353, §2, amended.

Amount of pension allowed to present and former members of department.

sion, one half of the amount of compensation received by them at the time of their retirement.

To take effect upon acceptance.

SECTION 2. This act shall take effect upon its acceptance by the city council of the city of Boston.

Approved February 25, 1893.

Chap. 52. AN ACT TO AUTHORIZE THE TOWN OF BRADFORD TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW.

Be it enacted, etc., as follows:

May incur indebtedness for the purpose of improving Main street.

SECTION 1. The town of Bradford, for the purpose of grading and paving that part of Main street in said town extending from Haverhill bridge to the common, near the junction of Main and Elm streets, and laying edgestones on that part of Main street, may incur an indebtedness of twenty-five thousand dollars beyond the limit of indebtedness fixed by law, and may issue bonds therefor, denominated Main Street Improvement Bonds, signed by its treasurer and countersigned by a majority of its board of selectmen, payable as follows: — Twenty-five hundred dollars on the first day of January in the year nineteen hundred and three, and twenty-five hundred dollars on the first day of January of each successive year for nine years thereafter, and bearing interest at a rate not exceeding four and one half per centum per annum, payable semi-annually.

Bonds to be sold or used in payment of expense of improvement.

SECTION 2. Said town may sell said bonds at public or private sale, or use the same in payment of the debts contracted in said work, upon such terms and conditions as it may deem proper: *provided*, that said bonds shall not be sold at less than par.

SECTION 3. This act shall take effect upon its passage.

Approved February 25, 1893.

Chap. 53. AN ACT TO LEGALIZE A VOTE OF THE TOWN OF WATERTOWN PROVIDING FOR PAYMENT OF COST OF LAYING THE SYSTEM OF COMMON SEWERS IN SAID TOWN.

Be it enacted, etc., as follows:

Vote legalized.

SECTION 1. The vote of the town of Watertown, passed on the seventeenth day of May in the year eighteen hundred and ninety-two, authorizing the payment by the town of the entire cost of laying the system of common sewers in said town, is hereby declared legal and valid, and the town of Watertown is hereby authorized to pay

the entire cost of laying, maintaining and repairing the system of common sewers in said town.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1893.

AN ACT TO ENLARGE THE LIMITS WITHIN WHICH CERTAIN MUTUAL
FIRE INSURANCE COMPANIES MAY DO BUSINESS.

Chap. 54.

Be it enacted, etc., as follows :

Section fifty-one of chapter two hundred and fourteen of the acts of the year eighteen hundred and eighty-seven is hereby amended by inserting after the word “manufacturing”, in the fifth line, the words : — as well as other, — and by striking out in said fifth line, the word “only”, so as to read as follows : — *Section 51.* Mutual fire insurance companies may insure property in any of the New England states, New York, New Jersey, and Pennsylvania. Such companies which have a guaranty capital or which insure manufacturing as well as other property may make insurances upon property located in any part of the United States or in Canada.

1887, 214, §51,
amended.

Location of
property that
companies may
insure.

Approved February 25, 1893.

AN ACT RELATING TO THE TAKING OF SCALLOPS IN THE WATERS
OF THE TOWN OF MARION.

Chap. 55.

Be it enacted, etc., as follows :

Section four of chapter one hundred and eighty-eight of the acts of the year eighteen hundred and ninety-two is hereby amended by inserting after the word “flats”, in the third line of said section, the words : — and waters, — so as to read as follows : — *Section 4.* All the privileges which the citizens of Rochester and Mattapoissett had before this act takes effect, to take scale and shellfish from the shores or flats and waters within the town of Marion, shall remain the same as if this act had not passed.

1892, 188, §4,
amended.

Privileges of
citizens of
Rochester and
Mattapoissett
not affected.

Approved February 25, 1893.

AN ACT RELATIVE TO THE TRUSTEES OF THE STERLING CAMP
MEETING ASSOCIATION.

Chap. 56.

Be it enacted, etc., as follows :

SECTION 1. The number of trustees of the Sterling Camp Meeting Association shall be eleven, one of whom shall be, ex officio, the presiding elder of the district, and

Trustees, num-
ber, qualifica-
tions, election,
etc.

all of whom shall be members of the Methodist Episcopal church. They shall be elected in the manner described in chapter eighty-two of the acts of the year eighteen hundred and eighty-seven, by the Sterling camp meeting board of control. All vacancies shall be filled by said board at their annual meeting. Six of the trustees shall constitute a quorum for the transaction of business.

1892, 84, re-
pealed.

SECTION 2. Chapter eighty-four of the acts of the year eighteen hundred and ninety-two is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved February 25, 1893.

Chap. 57. AN ACT TO CHANGE THE NAME OF THE FIRST BAPTIST SOCIETY IN
NEWTON.

Be it enacted, etc., as follows :

Name changed.

SECTION 1. The name of the First Baptist Society in Newton is hereby changed to the First Baptist Church in Newton.

Devises, etc., to
vest in First
Baptist Church
in Newton.

SECTION 2. All devises, bequests, conveyances and gifts heretofore made to said corporation by either of said names shall vest in the First Baptist Church in Newton.

SECTION 3. This act shall take effect upon its passage.

Approved February 25, 1893.

Chap. 58. AN ACT TO AUTHORIZE THE BROCKTON AND HOLBROOK STREET
RAILWAY COMPANY TO LEASE ITS RAILWAY, FRANCHISES AND
OTHER PROPERTY TO THE BROCKTON STREET RAILWAY COMPANY.

Be it enacted, etc., as follows :

May lease rail-
way, etc., to
Brockton Street
Railway Com-
pany, etc.

SECTION 1. The Brockton and Holbrook Street Railway Company is hereby authorized to lease its railway, franchises and other property, to the Brockton Street Railway Company, upon such terms and conditions as the directors and stockholders of the respective corporations may agree upon, including any guaranties by the Brockton Street Railway Company of the obligations or securities of the Brockton and Holbrook Street Railway Company ; and the Brockton Street Railway Company is hereby authorized to accept such lease and to operate thereunder, and to make such guaranties if it so elects. Such lease shall not cover a period of more than ninety-nine years.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1893.

AN ACT TO PROVIDE CONDITIONS UNDER WHICH TROUT AND TROUT SPAWN SHALL BE FURNISHED BY THE COMMONWEALTH. *Chap. 59.*

Be it enacted, etc., as follows :

SECTION 1. No person, corporation or association shall hereafter be furnished by the Commonwealth with any trout or trout spawn, to stock any waters owned or leased by him or them or under his or their control, unless he or they shall first agree in writing with the commissioners of inland fisheries and game that such waters so stocked shall be free for the public to fish in during the season in which the capture of trout is permitted by law.

Conditions under which trout and trout spawn shall be furnished.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1893.

AN ACT PROVIDING FOR ASSISTANT TOWN CLERKS.

Chap. 60.

Be it enacted, etc., as follows :

SECTION 1. The town clerk in any town may appoint an assistant town clerk, which appointment shall be in writing, and said assistant shall be duly sworn to the faithful performance of his duties ; and such appointment and oath shall be recorded in the records of the town. Such assistant may, in the absence of the town clerk, perform any and all duties which the town clerk could perform if personally present, but such assistant shall not be entitled to any salary or fees as such, and his compensation, if any, shall be paid by the town clerk appointing him ; but such assistant shall collect all fees for services performed by him and account to the town clerk therefor during the time he may act as aforesaid.

Assistant town clerks, appointment, powers, duties, etc.

SECTION 2. This act shall take effect on the first Monday of March in the year eighteen hundred and ninety-three.

When to take effect.

Approved March 6, 1893.

AN ACT CONCERNING APPEALS IN SUITS IN EQUITY.

Chap. 61.

Be it enacted, etc., as follows :

Section seven of chapter two hundred and twenty-three of the acts of the year eighteen hundred and eighty-three is hereby amended by inserting after the words “ of the ”, in the second line thereof, the words : — supreme judicial or, — so as to read as follows : — *Section 7.* In cases of appeal from a decree in equity of the supreme judicial or

1883, 223, §7, amended.

In case of appeal justice to report, upon

request, facts
found by him,
etc.

superior court, the justice by whom the decree was made, shall, at the request of the appellant, report the facts found by him as far as material, provided that such request be made within four days after the appellant has been notified of the entry of the decree, otherwise the granting of such report shall be in the discretion of the justice.

Approved March 7, 1893.

Chap. 62. AN ACT RELATIVE TO MAGISTRATES' FEES IN POOR DEBTOR PROCEEDINGS.

Be it enacted, etc., as follows:

Fees in poor
debtor proceed-
ings before
certain courts,
etc.

SECTION 1. So much of section sixty-eight of chapter one hundred and sixty-two of the Public Statutes and section thirteen of chapter four hundred and nineteen of the acts of the year eighteen hundred and eighty-eight as provides for the fees for examinations and continuances, and the issuing of all certificates required to be made or issued, is hereby repealed, so far as the same may be applicable to proceedings before any police, district or municipal court pending prior to the sixth day of June in the year eighteen hundred and ninety-one.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1893.

Chap. 63. AN ACT RELATIVE TO THE REMOVAL AND RELOCATION OF CERTAIN RAILROAD TRACKS IN THE CITY OF LOWELL.

Be it enacted, etc., as follows:

1891, 213, §2,
amended.

SECTION 1. Section two of chapter two hundred and thirteen of the acts of the year eighteen hundred and ninety-one is hereby amended by inserting after the word "twenty", in the eighteenth line of said section, the word: — six, — and by inserting after the word "cross", in the nineteenth line, the words: — Tilden street and, — so as to read as follows: — *Section 2.* Whenever the city of Lowell shall have arranged for the removal and relocation of said railroad tracks as provided in the preceding section the Boston and Lowell Railroad Corporation, for the purpose of carrying out such arrangements and in compliance with the contracts made pursuant thereto, may discontinue and abandon the whole or any part of its road as now located on Moody street in said city of Lowell, and may make such new location between any point of its road as now existing on Dutton street and any point on

May discontinue
tracks and make
new locations.

its road as now existing on Tremont street in said city, as may be approved by the mayor and aldermen of said city, and also such other location or locations as may be required in order to connect said new location between Tremont and Dutton streets with existing locations, and as shall be provided for in the arrangements and contracts aforesaid, and approved by said mayor and aldermen. The road thus located shall not exceed twenty-six feet in width, and may cross Tilden street and Tremont street at grade. The location or locations thereof, prepared and certified as required by section eighty-nine of chapter one hundred and twelve of the Public Statutes, together with a description of that portion of its road and location discontinued and abandoned as herein authorized, shall be filed with the county commissioners of the county of Middlesex.

Locations, etc., to be filed with county commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1893.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE COMMISSIONERS ON INLAND FISHERIES AND GAME.

Chap. 64.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the compensation and expenses of the commissioners on inland fisheries and game during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-three, to wit:—

Appropriations.

For the compensation and expenses of the commissioners on inland fisheries and game, a sum not exceeding thirty-two hundred and fifty dollars.

Commissioners on inland fisheries and game, compensation, etc.

For one half of the expenses of the hatching at Plymouth, in the state of New Hampshire, a sum not exceeding nine hundred and fifty dollars.

Hatching at Plymouth.

For the enforcement of laws, propagation and distribution of salmon, trout, shad, carp and lobsters, for incidentals, printing and contingent expenses, rent of hatcheries, payment for land, running expenses and maintenance of hatcheries, a sum not exceeding fifty-five hundred dollars.

Propagation and distribution of fish, etc.

For travelling expenses for a member of the district

Travelling expenses.

police detailed for service with said commission, a sum not exceeding five hundred dollars.

Expenses of
steamer.

For the payment of running expenses and for repairs to the steamer in charge of the commission, a sum not exceeding forty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1893.

Chap. 65. AN ACT IN RELATION TO PUBLIC WAYS AND LAYING SEWERS AND WATER PIPES THEREIN.

Be it enacted, etc., as follows:

Laying of
sewers and
water pipes in
town ways, etc.

SECTION 1. When a town way is laid out, altered or widened, the selectmen may enter and lay sewers and water pipes therein before possession is taken for the purpose of constructing such way, in like manner as if such way had been actually constructed; and the town shall not be liable to pay any damages for the laying of such sewers or pipes, except as hereinafter provided. Such entry so made for the laying of sewers and water pipes shall not be deemed an entry for the purpose of constructing such way, but until such way is constructed, sewer assessments shall be levied only upon the estates of such persons as shall connect their drains with such sewers. If such laying out, alteration or widening shall become void by reason of failure to take possession of such way for the purpose of constructing the same, all sewers or water pipes so laid within the limits thereof shall be deemed to have been legally laid and placed therein; and damages may be recovered therefor in the manner provided by law in the case of the laying of sewers or water pipes in private lands; and the right of any person to recover damages for the laying of such sewers or water pipes shall be deemed to have accrued at the time when such laying out, alteration or widening became void.

When to take
effect.

SECTION 2. This act shall take effect upon its passage, so far as to allow any town to vote upon the acceptance hereof; but shall take full effect in any such town only after it shall have been accepted by a majority of the voters of such town present and voting thereon by ballot at a town meeting called for that purpose. The ballots shall be furnished by the town, and shall be in the following form: Shall the act entitled, "An act in relation to

public ways and laying sewers and water pipes therein", being chapter of the acts of 1893, be accepted? Yes. (or) No. *Approved March 7, 1893.*

AN ACT RELATIVE TO THE ISSUE OF BONDS BY THE HOOSAC TUNNEL AND WILMINGTON RAILROAD COMPANY.

Chap. 66.

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter two hundred and eight of the acts of the year eighteen hundred and ninety-one, as amended by chapter twenty-six of the acts of the year eighteen hundred and ninety-two, is hereby amended by striking out in the tenth, eleventh and twelfth lines thereof, the words "eight thousand dollars per mile for narrow gauge track and fifteen thousand dollars per mile for standard gauge track", and inserting in place thereof the following words: — the amount of the authorized capital stock of said company, — so as to read as follows: — *Section 3.* The Hoosac Tunnel and Wilmington Railroad Company, for the purpose of carrying out the provisions of this act and for the construction of extensions and branches of its railroad line as shall be hereafter determined, is hereby authorized to issue bonds on its existing railroad, and if the Deerfield Valley Railroad be purchased and consolidated as herein provided, then upon the whole line, and upon any extensions and branches which shall be constructed and made thereto, to an amount not exceeding the amount of the authorized capital stock of said company; said bonds to be issued, recorded and approved in accordance with the provisions of section sixty-two of chapter one hundred and twelve of the Public Statutes, and acts amendatory thereof: *provided*, that in any case the amount of bonds so issued shall not exceed the capital stock authorized and actually paid in at the time of the issue of the bonds.

1891, 268, §3;
1892, 26,
amended.

May issue
bonds, etc.

Proviso.

SECTION 2. This act shall take effect upon its passage. *Approved March 7, 1893.*

AN ACT AUTHORIZING THE BOSTON WESLEYAN ASSOCIATION TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 67.

Be it enacted, etc., as follows:

SECTION 1. The Boston Wesleyan Association may hold real and personal estate, for the purpose set forth in

May hold additional real and personal estate.

its act of incorporation, to an amount not exceeding seven hundred and fifty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1893.

Chap. 68. AN ACT TO AUTHORIZE THE NANTUCKET ATHENÆUM TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows :

May hold additional real and personal estate.

SECTION 1. The Nantucket Athenæum may, for the purpose for which it was incorporated, take by bequest, gift, grant, or otherwise, and hold, real and personal estate not exceeding one hundred thousand dollars, exclusive of the value of all books, papers, pictures, arms, implements and utensils illustrative of ethnology or otherwise, now owned or which may be acquired by said society.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1893.

Chap. 69. AN ACT TO AUTHORIZE THE TOWN OF ATTLEBOROUGH TO PURCHASE THE PROPERTY AND FRANCHISE OF ATTLEBOROUGH FIRE DISTRICT NUMBER ONE.

Be it enacted, etc., as follows :

Town may purchase property, etc., of fire district.

SECTION 1. The town of Attleborough is hereby authorized to purchase and hold the franchise and corporate property and all the rights and privileges, on condition of assuming all the debts, obligations and liabilities, of the Attleborough Fire District Number One of said Attleborough, at a price which may be mutually agreed upon between said town and said district; and the said fire district may sell and convey the same to the said town. In case said town and district are unable to agree then the compensation to be paid shall be determined by three commissioners, to be appointed by the superior court upon application of either party and notice to the other, whose award when accepted by said court shall be binding upon all parties. This authority to purchase and convey said franchise and property is granted on the condition that the same is assented to by said town and district by a majority vote of said town and said district, of the voters present and voting thereon, at a meeting duly called for that purpose within two years from the passage of this act.

Authority to purchase subject to assent by a majority vote.

SECTION 2. Upon the execution of said conveyance, all the rights, privileges and liabilities of said fire district shall vest in and be assumed by said town of Attleborough, and said town may supply water to all the inhabitants of said town and others, subject to all the duties, restrictions and liabilities applicable to said fire district.

Town may supply water to inhabitants, etc.

SECTION 3. Said town at a meeting duly called for that purpose shall choose by ballot a board of water commissioners, which shall have in charge the construction and maintenance of the works of the water supply, and shall expend, for the purposes prescribed by said town, the money raised for the water department, whether by taxation, water rates, bonds or otherwise, subject to such instructions, rules and regulations as said town may from time to time prescribe. Said board of commissioners shall consist of three members, one of whom shall be elected for one year, one for two years and one for three years from the last annual meeting, and thereafter at each annual meeting one for three years. Said board of water commissioners shall annually make a full report to said town at its annual meeting, of their doings and expenditures; they shall annually appoint a superintendent and registrar of the water supply department, and shall prescribe the duties of each office, and for cause may remove them, or either of them, at any time the interests of said town, in their opinion, shall demand. The registrar shall collect all water rates and pay the same to the treasurer of the town, and shall annually give a good and sufficient bond, with sureties, approved by said commissioners and payable to said town, in such an amount as the said commissioners may determine. The compensation of the superintendent and registrar shall annually be determined by the said town at its annual meeting.

Water commissioners, election, terms of office, powers, duties, etc.

Superintendent and registrar, powers, duties, etc.

SECTION 4. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under this act and for extending its water pipes, issue bonds in addition to those already issued by said district, to an amount not exceeding fifty thousand dollars, bearing interest at a rate not exceeding five per centum per annum, the principal payable at periods of not more than thirty years from date of issue. Said town may sell said bonds at public or private sale upon such terms and conditions as it may deem proper. The said bonds shall be signed by the treasurer of the town and countersigned by the water commissioners, and shall be denominated Attle-

Attleborough Water Supply Bonds not exceeding \$50,000.

Sinking fund.

borough Water Supply Bonds, the interest on which shall annually be provided for, either by taxation or by the revenue from the water rates or otherwise, as the town shall determine. The said town shall annually raise, by taxation or otherwise, and contribute to the sinking fund of the town from year to year, an amount sufficient with its accumulations to pay the said bonds at maturity.

Fire department.

SECTION 5. The selectmen of said town shall have the care and custody of the property of the fire department, and shall expend for the purposes prescribed by said town the money appropriated for the fire department.

Chief and assistant engineers, election, powers and duties, etc.

SECTION 6. The said town shall at its annual town meeting choose by ballot a chief and as many assistant engineers as the service may require, not exceeding twelve, whose terms of office shall be for one year. The engineers shall be notified and qualified as required by law for other town officers, and the provisions of chapter thirty-five of the Public Statutes in relation to engineers and their powers and duties, so far as applicable, shall apply to this act.

SECTION 7. This act shall take effect upon its passage.

Approved March 8, 1893.

Chap. 70.

AN ACT RELATING TO THE PUBLICATION OF THE ANNUAL REPORT OF THE BOARD OF COMMISSIONERS OF SAVINGS BANKS.

Be it enacted, etc., as follows:

1890, 126, §1, amended.

SECTION 1. Section one of chapter one hundred twenty-six of the acts of the year eighteen hundred and ninety is hereby amended by striking out the words "fifteen hundred", in the tenth line of said section, and inserting in place thereof the words:—two thousand,—so as to read as follows:—*Section 1.* The annual report of the board of commissioners of savings banks, required to be made to the general court, may hereafter be published in two volumes: that portion relating to savings banks, institutions for savings, safe deposit, and loan and trust companies to constitute one volume, designated as Part I., of which twenty-five hundred copies shall be printed; and that portion relating to coöperative banks and loan companies to constitute another volume, designated as Part II., of which two thousand copies shall be printed; the two parts to remain as number eight in the series of public documents.

Annual report may be published in two volumes, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1893.

AN ACT TO AUTHORIZE THE TOWN OF EASTHAMPTON TO ELECT A BOARD OF SEWER COMMISSIONERS AND TO CONSTRUCT AND MAINTAIN A SYSTEM OF SEWERAGE AND OF SEWAGE DISPOSAL.

Chap. 71.

Be it enacted, etc., as follows :

SECTION 1. The action of the town of Easthampton at the annual town meeting held on the fourteenth day of March in the year eighteen hundred and ninety-two, adopting a system of sewerage and sewage disposal, as approved by the state board of health, is hereby ratified and confirmed ; and the board of sewer commissioners of said town, hereinafter named, is hereby authorized to construct and maintain said system or any part thereof, as said board may from time to time determine.

Adoption of system of sewerage and sewage disposal ratified and confirmed, etc.

SECTION 2. The legal voters of said town are authorized at a meeting called for the purpose to elect a board of three commissioners, voters of Easthampton, who shall be called the board of sewer commissioners of Easthampton ; one of whom shall be elected to serve until the next annual March meeting succeeding such election, one to serve until one year and one until two years from said annual March meeting next succeeding their election. After the first election said commissioners shall be chosen, one for each year, at the annual March meeting, and shall serve three years. If vacancies occur in said board because of death, resignation or removal from town, such vacancies shall be filled in the same manner in which vacancies in the board of road commissioners are filled. Said commissioners shall annually appoint a clerk, to be under the direction and control of said commissioners, and they may appoint, but not from their own number, a superintendent ; said commissioners may remove, for sufficient cause, such clerk or superintendent. The compensation of such clerk and superintendent shall be fixed by the town. The members of said board of commissioners shall serve without compensation.

Board of sewer commissioners, election, terms of office, etc.

Clerk, superintendent, appointment, compensation, etc.

SECTION 3. Said board of commissioners alone shall have power to construct, maintain and repair all sewers, drains and works necessary to complete the system of sewerage and of sewage disposal adopted by the town and herein ratified and confirmed ; but no contract shall be made by said commissioners which shall require the payment of any greater sum of money than the unexpended balance of such sum as may have been appropriated by the town for the use of said commissioners. Said board

Powers, duties, etc., of commissioners.

of commissioners may permit any person or corporation to enter their private drain into any sewer or sewers constructed or maintained under the authority of this act, under such terms and conditions as they may determine. Said board, in all matters concerning drains and sewers, shall have the same powers and be subject to the duties, liabilities and penalties of selectmen and road commissioners.

Proportion of cost of system to be paid by town.

SECTION 4. The said town may by vote determine what proportion of the cost of the system of sewerage and sewage disposal, herein ratified and confirmed, it shall ultimately pay, provided that the amount in no case shall be less than one quarter nor more than one half of the whole cost.

Debts incurred in constructing sewers, etc., to be paid within thirty years, etc.

SECTION 5. Debts incurred by the town of Easthampton in laying, constructing or maintaining sewers and a system of sewer purification and disposal, and in purchasing or taking land therefor, shall be payable within a period not exceeding thirty years, but in all other respects shall be subject to the existing provisions of law relating to town indebtedness.

SECTION 6. This act shall take effect upon its passage.

Approved March 9, 1893.

Chap. 72. AN ACT TO AUTHORIZE THE HOLYOKE AND WESTFIELD RAILROAD COMPANY TO ESTABLISH A SINKING FUND.

Be it enacted, etc., as follows:

Sinking fund for the payment of bonds due April 1, 1898.

SECTION 1. The directors of the Holyoke and Westfield Railroad Company, for the purpose of providing a sinking fund for the payment of bonds issued by the Holyoke and Westfield Railroad Company, to the amount of sixty thousand dollars, which mature on the first day of April in the year eighteen hundred and ninety-eight, are hereby authorized to loan and invest the balance now remaining in the hands of the treasurer of said corporation, together with the unexpended appropriations of each succeeding year, until the said first day of April.

Securities in which fund may be invested.

SECTION 2. The fund so provided and all appropriations hereafter made for said sinking fund, together with the accumulations thereon, shall be invested in the securities in which by law the funds of savings banks may be invested, except personal securities, although guaranteed by sureties, and said sinking fund shall remain inviolate and pledged to the payment and redemption of said debts and be used for no other purpose.

SECTION 3. The directors of said Holyoke and Westfield Railroad Company shall be, ex officio, commissioners of said sinking fund, and all securities for such loans and investments shall be made to them as commissioners of the sinking fund of the Holyoke and Westfield Railroad Company.

Commissioners of the sinking fund.

SECTION 4. Said directors may in writing authorize and direct the treasurer of said railroad company to take charge of said sinking fund and make such loans and investments and all necessary reinvestments, in such manner as they shall determine in accordance with the provisions of this act; and, in such event, said treasurer shall include in his annual statement of receipts and expenditures a report of the condition of said sinking fund.

Treasurer of the sinking fund.

SECTION 5. Neither said directors nor said treasurer shall be entitled to receive any additional compensation for the performance of any duty required by the provisions of this act.

Officials not entitled to additional compensation.

SECTION 6. This act shall take effect upon its passage.

Approved March 9, 1893.

AN ACT RELATING TO CONVEYANCES OF REAL ESTATE BY THE TRUSTEES OF THE WESLEYAN ACADEMY.

Chap. 73.

Be it enacted, etc., as follows:

SECTION 1. All deeds and other conveyances of real estate made by the Trustees of the Wesleyan Academy after the acceptance of this act as hereinafter provided, shall be sealed with the corporate seal and signed with the corporate name of said trustees by the president and treasurer of the corporation, and acknowledged by one of them.

Conveyances of real estate by trustees.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 3. This act shall not take effect unless accepted by the said trustees at their next annual meeting held after the passage hereof.

To take effect upon acceptance.

Approved March 9, 1893.

AN ACT TO AUTHORIZE THE MASSACHUSETTS COTTON MILLS TO INCREASE ITS CAPITAL STOCK AND ENGAGE IN BUSINESS BEYOND THE LIMITS OF THE COMMONWEALTH.

Chap. 74.

Be it enacted, etc., as follows:

SECTION 1. The Massachusetts Cotton Mills is hereby authorized to increase its capital stock to an amount not

May increase capital stock.

May manufacture goods in any part of the United States.

exceeding three million dollars, and to invest such portions thereof in real and personal estate, either within or without the Commonwealth, as may be necessary and convenient for carrying on its business; and said Massachusetts Cotton Mills is hereby further authorized to carry on the business of manufacturing cotton and woolen goods in any part of the United States of America.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1893.

Chap. 75. AN ACT RELATING TO THE ERECTION OF BUILDINGS IN PUBLIC PARKS.
Be it enacted, etc., as follows:

Buildings for shelter and refreshment may be erected in certain parks.

SECTION 1. The park commissioners of any city or town in this Commonwealth may erect and maintain in the parks of their respective cities or towns, that now are or hereafter may be under their control, except in such parks as comprise less than one hundred acres in extent, structures for the shelter and refreshment of persons frequenting such parks, and for other park purposes, of such materials and in such places as in the opinion of the fire commissioners, if any, of such cities or towns, do not endanger buildings beyond the limits of such parks.

P. S. 54, §16, not to apply.

SECTION 2. Section sixteen of chapter fifty-four of the Public Statutes shall not apply to such buildings.

Not to apply to Boston.

SECTION 3. This act shall not apply to the city of Boston.

Approved March 9, 1893.

Chap. 76. AN ACT TO AUTHORIZE THE TRUSTEES OF THE WORCESTER ACADEMY IN WORCESTER TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

May hold additional real and personal estate.

SECTION 1. The Trustees of the Worcester Academy in Worcester may hold real and personal estate, for the purposes named in its act of incorporation, to an amount not exceeding six hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1893.

Chap. 77. AN ACT TO ESTABLISH AN ALEWIFE FISHERY IN EASTHAM.
Be it enacted, etc., as follows:

May establish an alewife fishery.

SECTION 1. William H. Nickerson, Wilber S. Cole and Austin E. Cole are hereby authorized to make the

necessary improvements for the preservation and taking of alewives in the Herring pond, so-called, in the town of Eastham, and to construct an outlet from said pond to the great meadow, so-called, and through said meadow by natural creeks to the bay.

SECTION 2. The said parties shall be liable to pay all damage that shall be sustained in any way by any person in his property in carrying into effect this act. If any person sustaining damage as aforesaid shall not agree with the said parties in interest as to the amount of damage to be paid, he may have his damage assessed in the manner provided by law in respect to land taken for highways.

Damages.

SECTION 3. Any fishery so created shall be deemed to be the property of the said parties and their heirs and assigns.

Fishery to be the property of certain parties.

SECTION 4. No persons without the permission of the said parties, or their heirs or assigns, shall take, kill or haul on shore any alewives in the fishery so created by them.

Alewives not to be taken, etc., without permission.

SECTION 5. Whoever violates any of the provisions of this act, or any of the regulations of the said parties in interest in said fishery, shall forfeit and pay a sum not less than five nor more than fifty dollars for each offence, to be recovered by prosecution before any court in the county of Barnstable competent to try the same. Said forfeiture shall accrue to the benefit of the parties in interest in said fishery.

Penalty.

SECTION 6. All prosecutions under the preceding section shall be instituted within thirty days from the time the offence was committed.

Prosecution.

SECTION 7. This act shall take effect upon its passage.

Approved March 9, 1893.

AN ACT TO PROVIDE FOR THE EXTERMINATION OF INSECT PESTS. *Chap. 78.*
Be it enacted, etc., as follows:

SECTION 1. Cities and towns shall raise annually by taxation and appropriate such a sum of money as they may deem necessary, to be expended under the direction of the mayor and aldermen in cities and the selectmen in towns in exterminating insect pests within the limits of the highways in their respective cities and towns, and in the removal from said highways of all trees and shrubs upon which such pests naturally breed: *provided, however,*

Extermination of insect pests within the limits of highways.

that where the owner or lessee of real estate abutting on the highway shall annually exterminate all insect pests from the trees and shrubs along the highway where said real estate abuts thereon, such trees and shrubs shall be exempt from the provisions of this act.

To take effect upon acceptance.

SECTION 2. This act shall take effect in any city when accepted by the city council, and in any town when accepted at a legal town meeting called for that purpose.

Approved March 9, 1893.

Chap. 79. AN ACT RELATIVE TO THE PAYMENT OF EXPENSES INCURRED UNDER QUARANTINE REGULATIONS.

Be it enacted, etc., as follows:

P. S. 80, §69, amended.

SECTION 1. Section sixty-nine of chapter eighty of the Public Statutes is hereby amended by striking out in the second and third lines thereof, the words "such person or", and by striking out after the word "vessel", in said third line, the words "or goods respectively", so as to read as follows:— *Section 69.* All expenses incurred on account of any person, vessel, or goods, under quarantine regulations, shall be paid by the owner of such vessel.

Owners of vessels to pay quarantine expenses.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1893.

Chap. 80. AN ACT PROVIDING THAT THE CLOSE SEASON FOR BLACK BASS FISHING SHALL TERMINATE ON THE FIRST DAY OF JUNE.

Be it enacted, etc., as follows:

P. S. 91, §56, amended.

Section fifty-six of chapter ninety-one of the Public Statutes is hereby amended by striking out in the second line thereof, the word "July", and inserting in its place the word:— June,— so as to read as follows:— *Section 56.* Whoever takes a black bass between the first day of December and the first day of June, or at any time except with naturally or artificially baited hook and hand line, or buys, sells, or has in possession any such fish taken in this Commonwealth between said dates, or otherwise than as allowed in this chapter, shall forfeit for each offence not less than two nor more than twenty dollars: *provided, however,* that this limitation of time shall not be applicable to the Connecticut river or its tributaries.

Penalty for taking, buying or selling black bass, except, etc.

Approved March 10, 1893.

AN ACT TO CONFIRM AN ORDER OF LOCATION FOR STREET RAIL-
WAY TRACKS IN ARLINGTON.

Chap. 81.

Be it enacted, etc., as follows:

SECTION 1. The location granted by the selectmen of the town of Arlington to the West End Street Railway Company, on or about the fourth day of January in the year eighteen hundred and ninety-three, for street railway tracks to Park avenue, in that part of said town known as Arlington Heights, and the provisions, terms and conditions therein contained, are hereby all and severally authorized, ratified, confirmed and made valid and binding upon all parties: *provided, however*, that nothing in this act shall take away any rights now existing in said town or its selectmen to revoke said location at any time, as now authorized by law.

Order of location for street railway tracks in Arlington confirmed.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1893.

AN ACT RELATIVE TO THE LAYING OUT AND ALTERATION OF HIGH-
WAYS.

Chap. 82.

Be it enacted, etc., as follows:

SECTION 1. Section eighty-eight of chapter forty-nine of the Public Statutes is hereby amended by inserting after the word "accrues", in the fifth line of said section, the words: — or, if a different time is agreed upon by and between the authorities laying out such new way or alteration, and all the owners of the land over which such way as laid out or altered extends, such time shall be specified in the return or report of such laying out or alteration, which shall become void, as before provided, only in case possession is not taken for the purpose of constructing such way within the time thus agreed and specified, — also by striking out all after the word "alterations", in the eighth line, so as to read as follows: —

P. S. 49, §§88, amended.

Section 88. The laying out or alteration of any way under the provisions of this chapter shall be void as against the owner of any land over which the same is located, unless possession is taken of such land, for the purpose of constructing such way, within two years from the time when the right to take such possession first accrues; or, if a different time is agreed upon by and between the authorities laying out such new way or

Laying out way, etc., to be void against owner of land unless taken within a certain time, etc.

What may be
deemed taking
possession.

alteration and all the owners of the land over which such way as laid out or altered extends, such time shall be specified in the return or report of such laying out or alteration, which shall become void, as before provided, only in case possession is not taken for the purpose of constructing such way within the time thus agreed and specified; but an entry for the purpose of constructing any part of the laying out or alterations shall be deemed a taking of possession of all the lands included in the laying out or alterations.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1893.

Chap. 83. AN ACT RELATING TO THE DISPOSAL OF SEWAGE FROM THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

Be it enacted, etc., as follows:

Allowance to
city of Waltham
for construction
of sewer, etc.

SECTION 1. There shall be allowed and paid to the city of Waltham a sum not exceeding eighteen thousand dollars in full compensation for the construction of a public sewer to be owned and operated by said city, and to be built by said city from and connecting with its present sewerage system to the line of land of the Massachusetts school for the feeble-minded, located in Waltham, and to be used for the disposal of the sewage of said school through the present sewerage system of said city, subject to the rules and regulations of said city relating to the use of said system. The said sum is to be paid to said city out of the treasury of the Commonwealth upon the first day of July in the year eighteen hundred and ninety-three, provided said sewer is then constructed, otherwise as soon thereafter as said sewer may be constructed.

Allowance to
city of Waltham
for disposal of
sewage, etc.

SECTION 2. There shall be allowed and paid to said city of Waltham as full compensation for the right of disposal of the sewage of said school through said sewerage system, and as the proportionate assessment upon said school for the expense of construction of said sewerage system, such sum as may be determined by agreement or award in the manner provided in section three of this act for determining the annual payment therein named. Said sum shall be paid out of the treasury of the Commonwealth to the city of Waltham on the first day of July in the year eighteen hundred and ninety-three or as soon

thereafter as the amount thereof is certified as provided in said section three.

SECTION 3. There shall be allowed and paid to said city of Waltham annually on the first day of July, beginning on the first day of July in the year eighteen hundred and ninety-three or as soon thereafter as the certificate hereinafter named is filed, such amount towards the annual expense of maintaining and operating its public sewers, including the amount paid annually by said city for the disposal of its sewage through the metropolitan sewerage system, as may be agreed upon between the said city of Waltham through its board of commissioners of sewers, and the Commonwealth through the board of trustees of said school; and in case said boards shall be unable to agree, then the amount to be annually paid shall be determined by three commissioners to be appointed by the supreme judicial court upon the application either of said city or said board of trustees, and notice to the other of said parties, whose award when accepted by said court shall be binding upon said city and the Commonwealth. The amount of said annual payment when once fixed shall be certified to the auditor of the Commonwealth by a certificate thereof signed by a majority of each of said boards, in case of an agreement, or by certificate of a clerk of said court, in case of an award, filed with said auditor, and shall continue to be so paid annually until changed by a new agreement or a new award made upon application of either said city or the Commonwealth, duly certified to the auditor in the manner above-provided; but no change shall be made oftener than once in five years. The auditor shall issue his certificate to the governor and council for the payment of such sums as the certificates shall call for, in the same manner as other claims against the Commonwealth.

Annual allowance to the city of Waltham for maintenance and operation of sewer, etc.

SECTION 4. This act shall take effect upon its passage.

Approved March 10, 1893.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
AT THE STATE PRISON AT BOSTON.

Chap. 84.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of

Appropriations

salaries and expenses at the state prison at Boston during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-three, to wit:—

State prison.

For the payment of salaries at the state prison at Boston, a sum not exceeding sixty-nine thousand dollars; and for other current expenses at said institution, a sum not exceeding ninety-nine thousand and one hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1893.

Chap. 85.

AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS SOLDIERS' HOME, TOPOGRAPHICAL SURVEY AND MAP OF MASSACHUSETTS, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified in certain resolves of the present year, and for certain other expenses authorized by law, to wit:—

Widow of Henry B. Wood.

For the widow of Henry B. Wood, the sum of eleven hundred twenty-two dollars and fifty-eight cents, as authorized by chapter four of the resolves of the present year.

Annie Fitzgerald.

For Annie Fitzgerald, the sum of one hundred dollars, as authorized by chapter five of the resolves of the present year.

Commissioner on public records.

For printing extra copies of the first report of the commissioner on public records, as authorized by chapter six of the resolves of the present year, a sum not exceeding seventy-five dollars.

Commissioners on topographical survey.

For printing extra copies of the report of the commissioners on the topographical survey of Massachusetts, as authorized by chapter seven of the resolves of the present year, a sum not exceeding twenty dollars.

Trustees of the soldiers' home.

For the trustees of the soldiers' home in Massachusetts, the sum of thirty thousand dollars, as authorized by chapter eight of the resolves of the present year.

Widow of William S. Stoddard.

For the widow of William S. Stoddard, the sum of four hundred and eight dollars and six cents, as authorized by chapter nine of the resolves of the present year.

Charles A. Ruggles.

For Charles A. Ruggles, the sum of two hundred and

fifty dollars, as authorized by chapter ten of the resolves of the present year.

For continuing the determination by triangulation of the boundary lines of the cities and towns of the Commonwealth and marking said boundary lines, for supplementing and correcting maps, and other expenses in connection with the work, a sum not exceeding fourteen thousand dollars, as authorized by chapter eleven of the resolves of the present year.

Boundary lines of cities and towns.

For travelling and incidental expenses of the gas and electric light commissioners, a sum not exceeding two thousand dollars.

Gas and electric light commissioners.

For the travelling expenses of senators, the sum of seventy dollars, being in addition to the three thousand dollars appropriated by chapter three of the acts of the present year.

Senators, travelling expenses.

For the payment of supervisors who served at the state election in the city of Boston in the year eighteen hundred and eighty-nine, a sum not exceeding five hundred dollars, as authorized by chapter eighty-six of the resolves of the year eighteen hundred and ninety-one, the sum heretofore appropriated having expired by limitation.

Supervisors at state election in 1889.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1893.

AN ACT RELATIVE TO THE STATE LIBRARY.

Chap. 86.

Be it enacted etc., as follows :

SECTION 1. The first vacancy occurring in the trustees of the state library shall be filled by the appointment of a person to serve for one year from the first day of June in the year eighteen hundred and ninety-three, the second vacancy shall be filled by the appointment of a person to serve for two years from the first day of June in the year eighteen hundred and ninety-three, the third vacancy shall be filled by the appointment of a person to serve for three years from the first day of June in the year eighteen hundred and ninety-three, and annually thereafter one person shall be appointed to serve for three years from the first day of June in the year of his appointment.

Trustees of state library, appointment, terms of office.

SECTION 2. The librarian of the state library shall be appointed by the governor, by and with the advice and consent of the council, to hold office during their pleasure. He shall receive an annual salary of three thousand dollars.

Librarian, appointment, term of office, salary.

Assistant
librarian to be
librarian, etc.

SECTION 3. The present assistant librarian of the state library shall be the librarian until a successor is appointed and qualified.

P. S. 5, §17;
1892, 287,
repealed.

SECTION 4. Section seventeen of chapter five of the Public Statutes and chapter two hundred and eighty-seven of the acts of the year eighteen hundred and ninety-two are hereby repealed.

Approved March 10, 1893.

Chap. 87. AN ACT TO AUTHORIZE TOWNS TO REVOKE THE ACCEPTANCE OF AN ACT TO AUTHORIZE THE PRINTING AND DISTRIBUTING OF BALLOTS FOR TOWN ELECTIONS AT THE PUBLIC EXPENSE

Be it enacted, etc., as follows :

Towns may
revoke accept-
ance of 1890,
386, etc.

The acceptance of chapter three hundred and eighty-six of the acts of the year eighteen hundred and ninety may be revoked by any town by a two thirds vote of the voters present and voting thereon at any annual town or state election, and thereupon the same shall cease to be operative in such town, and all subsequent town elections shall be held as if said act had not been accepted.

Approved March 13, 1893.

Chap. 88. AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND NINETY-TWO.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of certain expenses incurred at the various penal and reformatory institutions in excess of appropriations therefor in the year eighteen hundred and ninety-two, to wit : —

State prison.

For expenses at the state prison at Boston, five thousand five hundred ninety dollars and eighty-six cents, which amount shall be paid from the appropriation for current expenses at said prison for the present year.

State farm.

For expenses at the state farm at Bridgewater, nine hundred fifty-two dollars and twenty-four cents, which amount shall be paid from the appropriation for current expenses at the said farm for the present year.

State alms-
house.

For expenses at the state almshouse at Tewksbury, thirteen hundred sixty-six dollars and sixty-eight cents,

which amount shall be paid from the appropriation for current expenses at said almshouse for the present year.

For expenses at the Lyman school for boys at Westborough, twenty-six hundred ninety-two dollars and forty-four cents, which amount shall be paid from the appropriation for current expenses at said school for the present year.

Lyman school
for boys.

For expenses at the state primary school at Monson, sixteen hundred eleven dollars and twenty-six cents, which amount shall be paid from the appropriation for current expenses at said school for the present year.

State primary
school.

For expenses at the state industrial school at Lancaster, eight hundred thirty-two dollars and sixty-nine cents, which amount shall be paid from the appropriation for current expenses at said school for the present year.

State industrial
school.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1893.

AN ACT TO AUTHORIZE THE SPRINGFIELD HOME FOR FRIENDLESS WOMEN AND CHILDREN TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 89.

Be it enacted, etc., as follows:

SECTION 1. The Springfield Home for Friendless Women and Children in the city of Springfield is hereby authorized to hold real and personal estate to the amount of two hundred thousand dollars.

May hold addi-
tional real and
personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1893.

AN ACT TO AUTHORIZE THE TOWN OF WESTFIELD TO ISSUE ADDITIONAL WATER BONDS.

Chap. 90.

Be it enacted, etc., as follows:

SECTION 1. The town of Westfield, for the purpose of paying, retiring and refunding its outstanding bonds, issued by said town under the authority of chapter three hundred and twenty-two of the acts of the year eighteen hundred and seventy-three, which to the amount of thirty-five thousand dollars become due on the first day of October in the year eighteen hundred and ninety-three, is authorized to issue new bonds, signed by the treasurer of said town and countersigned by the chairman of the board of water commissioners thereof, to be denominated Westfield Water Bonds, to an amount not exceeding thirty-five

May issue addi-
tional water
bonds.

thousand dollars, payable at periods not exceeding twenty years from the first day of October in the year eighteen hundred and ninety-three, with interest payable semi-annually, at a rate not exceeding four per cent. per annum; and said town may sell said bonds at public or private sale or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper; and may raise money by taxation to pay said bonds and the interest thereon when the same shall become due.

Payment to be provided for before bonds are issued, etc.

SECTION 2. The town of Westfield shall, before such bonds are issued, provide for their payment, either according to the provisions of section twelve of chapter twenty-nine of the Public Statutes, or according to the provisions of chapter one hundred and thirty-three of the acts of the year eighteen hundred and eighty-two; but said town shall not raise more than ten thousand dollars in any one year toward the payment of the principal of said bonds, except the year in which the same or any part thereof may become due.

SECTION 3. This act shall take effect upon its passage.

Approved March 15, 1893.

Chap. 91. AN ACT TO CHANGE THE NAME OF THE TRUSTEES OF THE CITY HOSPITAL OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Name changed.

SECTION 1. The name of the Trustees of the City Hospital of the city of Boston is hereby changed to The Boston City Hospital.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1893.

Chap. 92. AN ACT TO AUTHORIZE FIRE DISTRICT NUMBER ONE OF GREENFIELD TO EXTEND ITS LIMITS.

Be it enacted, etc., as follows:

Limits of fire district may be extended.

SECTION 1. Fire District Number One of Greenfield is hereby authorized to extend the limits of said district as follows: commencing at the northeasterly corner of said district and extending the easterly line thereof northerly to the place where the highway from Greenfield village to Turner's Falls crosses the summit of Rocky mountain; thence westerly to an elm tree standing on the westerly side of Federal street, otherwise called the Bernardston

road, six hundred and eighty-five feet northerly from a stone marked "8", on the westerly side of said street, near the northerly side of Silver street, so-called; thence westerly to a point in the westerly line of the Swamp road, so-called, twenty rods northerly on the west line of said road from the northerly line of Silver street; thence westerly to Green river, at the mouth of Mill brook; thence southerly on the thread of the stream of the said Green river to the northwesterly corner of said district.

SECTION 2. This act shall take effect when the same shall have been approved by vote of the legal voters of said fire district at a meeting called for that purpose.

To take effect upon approval of voters.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

Approved March 15, 1893.

AN ACT TO AUTHORIZE THE LOWELL, LAWRENCE AND HAVERHILL STREET RAILWAY COMPANY TO LOCATE AND CONSTRUCT ITS RAILWAY IN THE TOWNS OF NORTH ANDOVER AND BRADFORD.

Chap. 93.

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter two hundred and eighteen of the acts of the year eighteen hundred and ninety-two is hereby amended by inserting after the word "Methuen", in the seventh line of said section, the words:—and the towns of North Andover and Bradford, — and section three of said chapter is hereby amended by inserting in the fifth line of said section, after the word "Dracut", the words:— North Andover and Bradford.

1892, 218, §§2, 3, amended.

SECTION 2. The Lowell, Lawrence and Haverhill Street Railway Company is hereby empowered from time to time to purchase or lease the property, rights, capital stock and franchises of the Haverhill and Groveland Street Railway Company and the Merrimack Valley Street Railway Company, and any other street railway company or companies operating its road in any of the cities or towns or having locations, in whole or in part, in any city or town included in its location, as granted by said chapter two hundred and eighteen of the acts of the year eighteen hundred and ninety-two or any amendments thereof. And said Haverhill and Groveland Street Railway Company and Merrimack Valley Street Railway Company are hereby authorized to lease or sell, convey and assign their franchises and property, and all the rights, easements, privileges, locations and powers now or here-

May purchase, lease, etc., Haverhill and Groveland Street Railway Company, Merrimack Valley Street Railway Company, etc.

after granted or in any way belonging to them to the said Lowell, Lawrence and Haverhill Street Railway Company, which company shall, upon such conveyance or lease being made, have and enjoy, upon the terms of such conveyance or lease, all the rights, privileges, locations, easements, franchises and property then and theretofore belonging to or in any way owned by said selling or leasing corporations: *provided, however*, that such purchase or lease shall not be valid unless agreed to by a majority of the directors of the purchasing and selling or leasing corporations, and said acts of the boards of directors shall be approved by the majority in interest of the stockholders of each corporation at meetings called for that purpose.

Proviso.

May increase capital stock, issue bonds, etc.

SECTION 3. For the purpose of providing means for the payment of debts, building and extending the lines and equipping the same for operation by electricity, and other construction purposes, and for the purchase of the capital stock and the payment or purchase of the outstanding bonds of the said Haverhill and Groveland Street Railway Company and the Merrimack Valley Street Railway Company, and for purchasing the property, franchises, rights, easements, privileges and powers of the Haverhill and Groveland Street Railway Company and the Merrimack Valley Street Railway Company, or any or all said purposes, the said Lowell, Lawrence and Haverhill Street Railway Company may from time to time, by a vote of two thirds in interest of its stockholders, at a meeting called and held for that purpose, increase its capital stock to an amount not exceeding one million five hundred thousand dollars over that now authorized by its charter, and for the same purposes, or any of them, may from time to time issue coupon or registered bonds bearing interest not exceeding six per cent. per annum to an amount not exceeding the amount of its capital stock actually subscribed for and paid in at the time of said issue, for a term not exceeding thirty years from date thereof. And to secure payment of said bonds with interest thereon the said Lowell, Lawrence and Haverhill Street Railway Company may mortgage its road and franchises and all or any part of its property, and may include in such mortgage property thereafter to be acquired. Said company may in such mortgage reserve to its directors the right to sell or otherwise dispose of

May mortgage road, franchise, etc.

property included in such mortgage which may become worn or damaged or otherwise unsuitable to be used in the operation of its road, providing that an equivalent in value is substituted in lieu thereof.

SECTION 4. This act shall take effect upon its passage.

Approved March 15, 1893.

AN ACT TO INCORPORATE THE TRUSTEES OF GROTON SCHOOL.

Chap. 94.

Be it enacted, etc., as follows:

SECTION 1. William C. Endicott, S. Endicott Peabody, James Lawrence, Endicott Peabody, William Lawrence and J. Pierpoint Morgan, the surviving persons named in a certain declaration of trust made and declared by them on the fourteenth day of March in the year eighteen hundred and eighty-four, and duly recorded in the county of Middlesex, and such other persons as shall be elected to fill any vacancies thereunder, are hereby made a corporation by the name of the Trustees of Groton School, established for the purpose of educating boys and young men, and their preparation for college, having special regard for the cultivation of manly christian character and to moral and physical as well as intellectual development; with all the powers and privileges and subject to all the duties and liabilities set forth in all general laws which now are or may hereafter be in force and applicable to such corporations: *provided*, said trustees shall not be subject to any duties or liabilities inconsistent with said declaration of trust.

Trustees of Groton School incorporated; purpose, powers, duties, etc.

Proviso.

SECTION 2. The said corporation may hold and control the lands given to said trustees by James and Prescott Lawrence, and mentioned in said declaration of trust, and the proceeds of the same, and all of the lands given or purchased for the uses of said school, and may assume, succeed to and carry out all contracts and agreements made under said declaration.

May hold and control lands given by James and Prescott Lawrence, etc.

SECTION 3. Said corporation is hereby authorized to take and receive by gift, grant, bequest, devise or otherwise, any lands, tenements or other estate, real or personal, to have and to hold the same upon the terms and for the purposes specified in the declaration of trust aforesaid; and also upon such terms and for such purposes and trusts as may be expressed in any deed or instrument of conveyance or gift made to said corporation: *provided*, the

May receive and hold other real and personal estate.

Provisos.

same shall not be inconsistent with the terms and purposes of the declaration of trust aforesaid, made and declared by said trustees; and *provided*, the real and personal estate held by said corporation shall not exceed in value five hundred thousand dollars.

Upon dissolution of corporation, rights and properties to vest in trustees.

SECTION 4. Upon the dissolution of said corporation, its rights and properties shall be and vest in the aforesaid board of trustees under such declaration of trust, subject only to be taken to pay the debts of said corporation.

SECTION 5. This act shall take effect upon its passage.

Approved March 17, 1893.

Chap. 95. AN ACT TO DEFINE EXEMPTIONS FROM THE CIVIL SERVICE RULES.
Be it enacted, etc., as follows:

1884, §20, §15,
amended.

Section fifteen of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four is hereby amended by striking out in the first line of said section, the words "elective or", by inserting after the words "and officers", in said first line, the words: — who are elected by the people or a city council or, — by striking out in the third line, the words "a city council or a school committee", and inserting in place thereof the words: — of the Commonwealth, or the city council of any city, officers who are elected by either branch of the general court and the appointees of such officers, — by striking out after the word "principal", in the fourth line, the words "department in", and inserting in place thereof the words: — departments of the Commonwealth or of, — by striking out in the fourth, fifth and sixth lines, the words "officers for the faithful discharge of whose duties a superior officer is required to give bond", and inserting in place thereof the words: — the employees of the treasurer of the Commonwealth, and of the treasurer and collector of taxes of any city, two employees of the city clerk of any city, — by striking out in the seventh line, the words "private secretary", and inserting in place thereof the words: — secretaries and confidential stenographers, — by striking out in the eighth line, the words "election or", and inserting after the word "selection", in said line, the words: — or appointment, — by inserting after the word "commissioners", in the eleventh line, the word: — and, — by striking out in said eleventh line, the

words "superintendents and", by striking out after the word "marshals", in the twelfth line, the words "of police departments and chief engineers of", and inserting in place thereof the words: — or chiefs of police and, — so as to read as follows: — *Section 15.* Judicial officers and officers who are elected by the people, or a city council, or whose appointment is subject to confirmation by the executive council of the Commonwealth, or the city council of any city, officers who are elected by either branch of the general court and the appointees of such officers, heads of any principal departments of the Commonwealth or of a city, the employees of the treasurer of the Commonwealth, and of the treasurer and collector of taxes of any city, two employees of the city clerk of any city, teachers of the public schools, the secretaries and confidential stenographers of the governor or of the mayor of any city, shall not be affected as to their selection or appointment by any rules made as aforesaid, but such rules shall apply to members of the police and fire departments, other than police and fire commissioners and chief marshals, or chiefs of police and fire departments.

Officers and employees exempted from civil service rules.

Approved March 17, 1893.

AN ACT TO AUTHORIZE JAMES W. DEARBORN AND OTHERS TO BUILD AND MAINTAIN A BRIDGE OVER SAUGUS RIVER.

Chap. 96.

Be it enacted, etc., as follows:

SECTION 1. James W. Dearborn, Adoniram J. Dearborn, Charles W. Dearborn and Charles C. Blanchard are hereby authorized to build and maintain a bridge over and across the Saugus river, so-called, connecting their land in the city of Lynn, called Riverside park, with their land in the town of Saugus, subject to the provisions of chapter nineteen of the Public Statutes and to any other laws which now are or hereafter may be in force applicable thereto.

May build and maintain a bridge over Saugus river.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1893.

AN ACT IN RELATION TO THE ESTABLISHMENT AND MAINTENANCE OF THE FIRE DEPARTMENT OF THE CITY OF SPRINGFIELD.

Chap. 97.

Be it enacted, etc., as follows:

SECTION 1. The powers and duties conferred by the provisions of chapter one hundred and seventy-five of the

Springfield fire department.

acts of the year eighteen hundred and fifty-three, upon the city council of the city of Springfield and the mayor and aldermen thereof, in relation to the establishment and maintenance of a fire department, may be exercised and carried into effect by said city council in such manner as it may from time to time prescribe, and wholly or in part through the agency of any persons acting as a board whom it may from time to time designate, and with such limitation of power as said city council may by ordinance direct. Such persons shall serve without compensation.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1893.

Chap. 98. AN ACT TO AUTHORIZE THE CITY OF MEDFORD TO IMPROVE AND INCREASE ITS WATER SUPPLY AND TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows :

Medford may take, hold and improve certain land, water and water rights.

SECTION 1. For the purpose of increasing its water supply the city of Medford, in addition to the authority heretofore granted, may from time to time take by purchase or otherwise, hold and improve all or any part of the land, with the water and water rights, lying in said city within the area bounded on the south and southwest by a line running from Forest street along the south and west foot of Pine hill to the east line of the watershed of the brook running from the town of Winchester's south reservoir ; on the west by the east line of the watershed of said brook and said reservoir ; on the north by the boundary line between Stoneham and Medford ; and on the east by Forest street.

May take or lease, hold and improve land in Medford.

SECTION 2. For the purpose of obtaining a supply of water by means of driven or artesian wells, said city may from time to time within three years from the passage of this act take by purchase or otherwise, hold and improve the whole or any part of the land in said Medford bounded and described as follows : commencing at the northeasterly corner, at the intersection of Valley and Fulton streets ; thence southerly by Fulton street to a branch of Gravelly creek ; thence about westerly in a straight line to the southwesterly corner of land of Chipman, assignee ; thence about westerly on land of Lawrence, of Simpson, of Goggin, of Garvey and of Campbell, to land formerly of Wait and others ; thence about northerly by the easterly

line of said Wait land prolonged to said Valley street, and thence about easterly on said Valley street to the point begun at. Or said city may, for the purposes aforesaid, hire or lease the whole or any part of the same from time to time and for such term or terms of years as it shall determine.

SECTION 3. The said city shall, within sixty days after the taking of any lands, water and water rights, as provided in the two preceding sections, file and cause to be recorded in the registry of deeds for the county and district within which such lands, water and water rights are situate, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken.

Description of land, etc., taken to be recorded in registry of deeds.

SECTION 4. All claims for damages sustained by taking land, water or water rights hereunder shall be ascertained, determined and recovered in the manner now provided by law in case of land taken for highways, except that the complaint may be filed at any time within three years after said taking: *provided, however*, that no application for assessment of damages shall be made for the taking of any water, water rights, or for any injury thereto, until the water is actually withdrawn or diverted by said city under the authority of this act.

Damages.

SECTION 5. For the purposes of extending, improving and preserving the purity of its water supply and increasing the efficiency of its water works, and for the purposes of this act, the city of Medford may from time to time issue bonds to an amount not exceeding three hundred thousand dollars in addition to the bonds or scrip heretofore authorized and outstanding, bearing such rate of interest, not exceeding five per centum per annum, payable semi-annually and to become due and payable at such time or times not later than the first day of July in the year nineteen hundred and twenty-three, as the city council of said city shall determine. Such bonds shall be denominated City of Medford Water Fund Bonds, and shall be signed by the mayor and treasurer of said city and countersigned by the auditor of said city. Said city may sell and dispose of the same from time to time for the purposes aforesaid, on such terms and conditions as the city council of said city shall authorize.

City of Medford Water Fund Bonds.

SECTION 6. Said city upon issuing bonds shall establish a sinking fund sufficient, with the yearly additions

Sinking fund.

herein provided for and its other accumulations, to provide for the payment of the principal thereof at maturity. The provisions of sections seven and eight of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy shall apply to such sinking fund, except that said city may in any year raise by taxation for the purpose of said sinking fund an amount not exceeding five thousand dollars; and in addition any premiums received from the sale of bonds issued under authority of this act shall be paid into such sinking fund forthwith upon their receipt.

SECTION 7. This act shall take effect upon its passage.

Approved March 17, 1893.

Chap. 99. AN ACT RELATIVE TO THE EXAMINATION OF RESERVOIRS, RESERVOIR-DAMS AND MILLDAMS BY COUNTY COMMISSIONERS.

Be it enacted, etc., as follows:

County commissioners may direct engineers to examine reservoirs, milldams, etc., and report thereon.

SECTION 1. In any case when a reservoir, reservoir-dam or milldam is required to be examined by county commissioners, as provided by section one of chapter three hundred and fifteen of the acts of the year eighteen hundred and ninety-one, the county commissioners may in their discretion cause and direct such examination to be made by a competent engineer, who shall make such examination as soon as practicable and submit to said commissioners a full written report of such examination. If he shall deem the reservoir, reservoir-dam or milldam so examined to be safe and in good condition, he shall so report; but if he shall deem the same unsafe or dangerous, he shall report in detail its condition and what work, improvement or change is required for safety and the public good.

Action upon report to be the same as when examination is made by county commissioners.

SECTION 2. If such report states, or the details of the condition of the structure examined indicate, that the same is dangerous or probably unsafe, the county commissioners shall take such action in relation thereto as they are required to take under said section if the examination had been made by themselves, and shall act accordingly.

Compensation of engineers.

SECTION 3. Such engineer shall be allowed a reasonable compensation for his services by the county commissioners, and the amount of his compensation shall be paid out of the county treasury.

SECTION 4. This act shall take effect upon its passage.

Approved March 17, 1893.

AN ACT AUTHORIZING THE APPOINTMENT OF A COMMISSION TO DRAFT AN ACT EMBODYING THE PRINCIPLES OF THE TORRENS SYSTEM OF LAND TRANSFER. Chap. 100

Be it enacted, etc., as follows :

SECTION 1. The governor, by and with the advice and consent of the council, shall appoint a commission to consist of three suitable persons, to draft and prepare an act embodying the principles of the Torrens system of land transfer, with such changes as may be deemed necessary to adapt the same to the laws of the Commonwealth.

Commission on act embodying Torrens system of land transfer.

SECTION 2. Said commissioners may employ such assistants as they may deem expedient, may send for persons and papers, may have a room in the state house, and shall report said act to the next general court on or before the first Wednesday of February. Said commissioners may expend such sums in the performance of their duties, and shall be allowed such compensation, as the governor and council may determine.

Powers, duties, etc., of commissioners.

Approved March 17, 1893.

AN ACT TO AUTHORIZE THE TOWN OF LEOMINSTER TO INCUR INDEBTEDNESS BEYOND ITS DEBT LIMIT FOR THE PURPOSE OF ERECTING AND FURNISHING A NEW TOWNHALL, AND FOR SCHOOL PURPOSES. Chap. 101

Be it enacted, etc., as follows :

SECTION 1. The town of Leominster, for the purpose of erecting a new townhall and furnishing the same, and for the purpose of purchasing or acquiring lands for the location of schoolhouses and the erecting and furnishing of the schoolhouses to be built thereon, may incur indebtedness to the amount of one hundred and twenty-five thousand dollars, by the issuing of bonds or certificates of indebtedness, and may renew the same from time to time : *provided, however*, that in no event shall the time for the payment of the same, or any part thereof, be extended beyond the period of thirty years from the passage of this act.

May incur indebtedness for the purpose of taking land, erecting public buildings, etc.

SECTION 2. The indebtedness incurred under this act shall not be considered or reckoned in determining the authorized limit of the town of Leominster under the provisions of section four of chapter twenty-nine of the Public Statutes.

Indebtedness not to be considered in determining debt limit.

P. S. 29; 1884,
129, to apply.

SECTION 3. Except as herein otherwise provided the provisions of chapter twenty-nine of the Public Statutes, and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four, shall apply to the issue of such bonds or certificates of indebtedness.

SECTION 4. This act shall take effect upon its passage.

Approved March 17, 1893.

Chap.102 AN ACT TO AUTHORIZE THE TOWN OF PROVINCETOWN TO ISSUE
ADDITIONAL WATER BONDS.

Be it enacted, etc., as follows:

May issue
additional water
bonds.

SECTION 1. The town of Provincetown is hereby authorized to issue bonds, notes or scrip to an amount not exceeding five thousand dollars in addition to the amount authorized by chapter two hundred and seventy-six of the acts of the year eighteen hundred and eighty-nine, for the purposes named in said chapter.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1893.

Chap.103 AN ACT TO ESTABLISH THE SALARY OF THE THIRD CLERK IN THE
OFFICE OF THE SECRETARY OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Salary
established.

SECTION 1. The salary of the third clerk in the office of the secretary of the Commonwealth shall be eighteen hundred dollars a year, and at the same rate for any portion of a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-three.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1893.

Chap.104 AN ACT TO AUTHORIZE THE CITY OF SOMERVILLE TO APPROPRIATE
MONEY FOR THE CARE AND IMPROVEMENT OF SOMERVILLE
CEMETERY.

Be it enacted, etc., as follows:

May make
appropriations
for care, etc.,
of Somerville
cemetery.

The city of Somerville, by a vote of two thirds of all the members of each branch of the city council taken by yeas and nays and approved by the mayor, may grant and vote such sums as they may judge necessary, for the enclosing, care and improvement of the burial ground on Somerville avenue in said Somerville known as the Somerville cemetery.

Approved March 17, 1893.

AN ACT TO AUTHORIZE OFFICERS QUALIFIED TO SERVE CRIMINAL PROCESSES, AND THE COMMISSIONERS ON INLAND FISHERIES AND GAME AND THEIR DEPUTIES, TO MAKE ARRESTS WITHOUT WARRANT FOR VIOLATION OF FISH AND GAME LAWS. *Chap. 105*

Be it enacted, etc., as follows :

SECTION 1. All officers qualified to serve criminal processes, and the commissioners on inland fisheries and game and their deputies, are hereby authorized and empowered to arrest without warrant any person whom they shall find violating any of the fish or game laws: *provided, however*, that persons engaged in the business of regularly dealing in the buying and selling of game as an article of commerce shall not be arrested without warrant for having in possession or selling game at their usual places of business.

Arrest of persons for violation of fish or game laws.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1893.

AN ACT IN RELATION TO THE GRANTING OF LICENSES FOR CARRYING ON OFFENSIVE TRADES. *Chap. 106*

Be it enacted, etc., as follows :

Section ninety-two of chapter eighty of the Public Statutes is hereby amended by inserting after the word "aldermen", in the seventh line thereof, the words:—and of the common council, if there is such a board,—and by inserting after the word "aldermen", in the seventeenth line thereof, the words:—and of the common council, if there is such a board,—so as to read as follows:— *Section 92.* Whoever occupies or uses a building for carrying on therein the business of slaughtering cattle, sheep, or other animals, or for a melting or rendering establishment, or for other noxious or offensive trades and occupations, or permits or allows said trades or occupations to be carried on upon premises owned or occupied by him, without first obtaining the written consent and permission of the mayor and aldermen, and of the common council, if there is such a board, of the city, or selectmen of the town in which the building or premises are situated, shall forfeit a sum not exceeding two hundred dollars for every month he so occupies or uses such building or premises, and in like proportion for a longer or

P. S. 80, §92, amended.

Slaughter houses, etc., not to be used without leave.

Penalty.

Proviso.

shorter time: *provided*, that this section shall not apply to any building or premises occupied or used for the trades or occupations before described on the eighth day of May in the year eighteen hundred and seventy-one; but no person occupying or using any building or premises on said date for the trades or occupations aforesaid shall enlarge or extend the same without first obtaining the written consent and permission of the mayor and aldermen, and of the common council, if there is such a board, or selectmen.

Approved March 17, 1893.

Chap.107 AN ACT RELATIVE TO THE PAYMENT OF THE WATER DEBT OF THE TOWN OF NEEDHAM.

Be it enacted, etc., as follows:

1888, 107, §6,
amended.

SECTION 1. Section six of chapter one hundred and seven of the acts of the year eighteen hundred and eighty-eight is hereby amended by striking out after the word "in", in the third line thereof, the words "such annual proportionate payments as will", and inserting in place thereof the words: — annual payments of such amounts as will in the aggregate, — also by striking out in the ninth line, the word "and", and inserting in place thereof the word: — are, — so as to read as follows: — *Section 6.* The said town instead of establishing a sinking fund may, at the time of authorizing said loan, provide for the payment thereof in annual payments of such amounts as will in the aggregate extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter, until the debt incurred by said town shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

May provide for
annual pay-
ments instead
of establishing
sinking fund.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1893.

Chap.108 AN ACT TO AUTHORIZE THE PRINTING OF A LARGER EDITION OF THE BLUE BOOK.

Be it enacted, etc., as follows:

Edition of the
blue book in-
creased.

SECTION 1. One thousand copies of the acts and resolves, in the form known as the blue book, shall be

annually printed in addition to the number already required by chapter four hundred and forty of the acts of the year eighteen hundred and eighty-nine.

SECTION 2. Each member of the general court shall receive three copies in addition to the number now provided for by law. Distribution.

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1893.

AN ACT RELATIVE TO THE PAYMENT OF THE WATER DEBT OF THE TOWN OF STOUGHTON. Chap. 109

Be it enacted, etc., as follows:

SECTION 1. Section twelve of chapter two hundred and forty of the acts of the year eighteen hundred and eighty-six is hereby amended by inserting in the second line, after the word "loan", the words:—or any part thereof,—also by striking out after the word "in", in the third line thereof, the words "such annual proportionate payments as will", and inserting in place thereof the words:—annual payments of such amounts as will in the aggregate,—so as to read as follows:—*Section 12.*

The said town instead of establishing a sinking fund, may at the time of authorizing said loan or any part thereof, provide for the payment thereof in annual payments of such amounts as will in the aggregate extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall, without further vote, be assessed by the assessors of said town in each year thereafter, until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

1886, 240, §12, amended.

May provide for annual payments instead of establishing sinking fund.

SECTION 2. The validity and effect of all bonds, notes and scrip heretofore issued, and all loans heretofore made for any of the purposes specified in the act hereby amended, or any act in addition to or amendment of the same, and all acts and votes of the town of Stoughton and of its officers, shall be determined in the same manner as if the said act had been originally enacted as hereby amended.

Determination of the validity and effect of bonds, etc.

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1893.

Chap.110 AN ACT TO 'AUTHORIZE THE CITY OF FITCHBURG TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows :

May incur indebtedness for the purpose of acquiring lands, erecting school-houses, etc.

SECTION 1. The city of Fitchburg, for the purpose of purchasing or acquiring lands for the location of school-houses and for the purpose of erecting and furnishing schoolhouses, may incur indebtedness to the amount of two hundred thousand dollars, by the issuing of bonds or certificates of indebtedness, payable in thirty years from the date of their issue and bearing interest payable semi-annually at a rate not exceeding four per cent. per annum.

Not to be considered in determining debt limit.

SECTION 2. The indebtedness incurred under this act shall not be considered or reckoned in determining the authorized limit of indebtedness of the city of Fitchburg under the provisions of section four of chapter twenty-nine of the Public Statutes and acts in amendment thereof.

P. S. 29; 1884, 129 to apply.

SECTION 3. Except as herein otherwise provided the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall apply to the issue of such bonds or certificates of indebtedness, and to the establishment of a sinking fund for the payment thereof at maturity.

Approved March 17, 1893.

Chap.111 AN ACT REQUIRING THE CHIEF OF THE DISTRICT POLICE TO RECEIPT FOR REPORTS OF ACCIDENTS.

Be it enacted, etc., as follows :

Chief of district police to receipt for reports of accidents.

SECTION 1. When notice of any accident is sent to the chief of the district police, under the provisions of section one of chapter two hundred and sixty of the acts of the year eighteen hundred and eighty-six or acts amendatory thereof, said chief of the district police shall forthwith return to the sender of such notice a written or printed acknowledgment of the receipt of the same.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1893.

Chap.112 AN ACT CONCERNING THE EMPLOYMENT OF CLERKS AND OTHER ASSISTANCE IN THE DEPARTMENT OF THE SECRETARY OF THE COMMONWEALTH.

Be it enacted, etc., as follows :

1890, 239, §1, amended.

SECTION 1. Chapter two hundred and thirty-nine of the acts of the year eighteen hundred and ninety is

amended by adding at the end of section one, the following words: — excepting the present engrossing clerk and the present corporation clerk, who may each receive a salary of fourteen hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-three, — so as to read as follows: — *Section 1.* The secretary of the Commonwealth is hereby authorized to employ, at an expense not exceeding thirteen thousand dollars a year, a messenger and such additional clerks and other assistance as may be necessary for the despatch of public business: *provided*, that no person so employed shall receive compensation at a rate exceeding twelve hundred dollars a year, excepting the present engrossing clerk and the present corporation clerk, who may each receive a salary of fourteen hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-three.

Clerks and messenger.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 20, 1893.

AN ACT TO AUTHORIZE THE TOWN OF RANDOLPH TO PAY CERTAIN BOUNTIES.

Chap.113

Be it enacted, etc., as follows:

SECTION 1. The town of Randolph is authorized to raise by taxation a sum of money not exceeding four hundred dollars, and appropriate the same to the payment of a bounty of one hundred dollars each to the following named soldiers: Hugh Hickey, George Gerald, Hiram S. Faunce and John W. Lyons: *provided*, that said town shall not be reimbursed by the Commonwealth for any money paid under the authority of this act.

May pay bounties to certain soldiers.

Proviso.

SECTION 2. If either of said soldiers dies before receiving his said bounty it shall be paid to his widow, or, if he leaves no widow, to his lawful heirs.

May be paid to widows or heirs.

SECTION 3. This act shall take effect upon its passage.

Approved March 21, 1893.

AN ACT TO LIMIT THE TIME WITHIN WHICH SAFE DEPOSIT, LOAN AND TRUST COMPANIES SHALL ORGANIZE AND COMMENCE BUSINESS.

Chap.114

Be it enacted, etc., as follows:

SECTION 1. Every safe deposit, loan or trust company hereafter incorporated under the laws of this Common-

To organize within two years.

wealth shall organize and commence business within two years from the date of its incorporation, or its charter shall become void.

To commence business within two years.

SECTION 2. Every such company heretofore incorporated shall commence business within two years from the passage of this act, or its charter shall become void.

SECTION 3. This act shall take effect upon its passage.

Approved March 25, 1893.

Chap.115 AN ACT TO AUTHORIZE THE BRIGHTON EVANGELICAL SOCIETY TO CONVEY ITS PROPERTY TO THE BRIGHTON EVANGELICAL CONGREGATIONAL CHURCH.

Be it enacted, etc., as follows :

May convey real and personal estate to Brighton Evangelical Congregational Church.

SECTION 1. The Brighton Evangelical Society is hereby authorized to convey to the Brighton Evangelical Congregational Church all real and personal estate now the property of said society, free and discharged of all trusts, restrictions, conditions and agreements set forth in and created by a certain tripartite instrument entered into and executed on the twenty-seventh day of March in the year eighteen hundred and thirty-two by James Greenwood and others, recorded with Middlesex deeds in book three hundred and sixteen, page two hundred and eighty.

May convey all other property to said church.

SECTION 2. The said Brighton Evangelical Society is also authorized to convey to said Brighton Evangelical Congregational Church any and all other property and estate, real, personal and mixed, now belonging to said society, or to which said society is or may be entitled, or in which said society may be interested.

SECTION 3. This act shall take effect upon its passage.

Approved March 25, 1893.

Chap.116 AN ACT TO CONFIRM THE PROCEEDINGS OF CERTAIN TOWN MEETINGS OF THE TOWN OF SHEFFIELD.

Be it enacted, etc., as follows :

Proceedings of town meetings confirmed.

The proceedings of the town meetings of the town of Sheffield, held on the thirtieth day of March in the year eighteen hundred and ninety-one and the twenty-eighth day of January in the year eighteen hundred and ninety-three, relating to the acceptance of the provisions of chapter three hundred and eighty-six of the acts of the year eighteen hundred and ninety and the acts in amend-

ment thereof, shall not be invalid by reason of any defects in the warrants calling said meetings or failure to comply with the provisions of said acts, but are hereby ratified and confirmed.

Approved March 25, 1893.

AN ACT RELATING TO FIDELITY INSURANCE AND CORPORATE SURETY. *Chap. 117*

Be it enacted, etc., as follows :

SECTION 1. Section sixty-one of chapter two hundred and fourteen of the acts of the year eighteen hundred and eighty-seven is hereby amended by inserting after the word "amount", in the thirty-seventh line of said section, the words:—by suitable and sufficient collateral agreements of indemnity,—and by adding at the end thereof, the following words:—or, in case such liability is incurred in behalf or on account of a fiduciary holding property in a trust capacity, by such deposit or other disposition of a suitable and sufficient portion of the estate so held, that no further sale, mortgage, pledge or other disposition can be made thereof without such company's approval, except by the decree of a court having proper jurisdiction,—so as to read as follows:—*Section 61.*

Any company organized under this act or chartered by any other state or government to transact fidelity insurance and corporate suretyship, and qualified to do business in this Commonwealth, may make contracts of insurance to guarantee the fidelity of persons holding positions of trust in private or public employment or responsibility, and may, if accepted and approved by the court, magistrate, obligee or person competent to approve such bond, act as surety upon the official bond or undertaking in civil procedure of any person or corporation to the United States, to the Commonwealth of Massachusetts, or to any county, city, town, judge of probate and insolvency, sheriff or other court, magistrate or public officer, or to any corporation or association public or private; and also may act as surety upon any bond or undertaking to any person or corporation conditioned upon the performance of any duty or trust or for the doing or not doing of anything in said bond specified, and upon bonds to indemnify against loss any person or persons who are responsible as surety or sureties upon a written instrument or otherwise for the performance by others of any office, employment,

1887, 214, §61,
amended.

May make
contracts of
insurance to
guarantee fidel-
ity of persons
holding posi-
tions of trust.

May act as
surety upon
bonds, etc.

May act as sole surety, etc.

contract or trust. Where by law two or more sureties are required upon any obligation such company is authorized to insure, it may act as sole surety thereon, and may be accepted as such by the court, magistrate or other officer or person authorized to approve the sufficiency of such bond or undertaking; and so much of section one of chapter one hundred and forty-three of the Public Statutes as requires that sureties on bonds to a judge of probate shall be residents of the Commonwealth shall not be construed to forbid the acceptance of a qualified foreign corporation as joint or sole surety on any such bond. No such company shall incur in behalf or on account of any one person, partnership, association or corporation a liability for an amount larger than one tenth of its paid up capital, unless it shall be secured from loss thereon beyond that amount by suitable and sufficient collateral agreements of indemnity, by deposit with it in pledge or conveyance to it in trust for its protection, of property equal in value to the excess of its liability over such limit, or, in case such liability is incurred in behalf or on account of a fiduciary holding property in a trust capacity, by such deposit or other disposition of a suitable and sufficient portion of the estate so held, that no further sale, mortgage, pledge or other disposition can be made thereof without such company's approval, except by the decree of a court having proper jurisdiction.

Not to incur liability for an amount larger than one tenth of its paid up capital.

May make covenant with the surety upon his official bond, etc.

SECTION 2. Any person, partnership, association or corporation holding property for the benefit of another, except when acting under wills allowed or trusts created before the passage of this act, may make such covenants with the surety or sureties upon his official bond as shall enable such fiduciary to secure said surety or sureties from loss in any manner provided by section one of this act: *provided, however*, that if such fiduciary was appointed by the decree of any court within this Commonwealth the approval of such court shall first be obtained to such covenant.

Copy of covenant may be filed and recorded, etc.

SECTION 3. A copy of such covenant, duly acknowledged in the manner required for the acknowledgment of deeds of real estate, may be filed and recorded as follows: in the office of the clerk or register of the court in which such fiduciary obtained his appointment; if not appointed by the decree of court, in the manner provided by law for the record of deeds of real estate, if said covenant con-

cerns real estate, or mortgages of personal property, if said covenant concerns personal property. Such record shall be notice to and binding on all persons.

Approved March 25, 1893.

AN ACT RELATIVE TO THE APPOINTMENT OF RESIDENT AGENTS OF
NON-RESIDENT EXECUTORS, ADMINISTRATORS, GUARDIANS, TRUS-
TEES AND ASSIGNEES.

Chap.118

Be it enacted, etc., as follows:

SECTION 1. No executor, administrator, guardian, trustee, or assignee in insolvency, appointed in but residing out of the Commonwealth, and now required by law before entering upon the duties of his trust to appoint in writing an agent residing in the Commonwealth, shall be entitled to receive the letter or other evidence of his authority, and in the case of an assignee in insolvency, the instrument of assignment, until he shall have complied with such law in properly making and filing such appointment.

Not entitled to receive evidence of authority until, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 25, 1893.

AN ACT TO AUTHORIZE THE HOLYOKE STREET RAILWAY COMPANY
TO EXTEND ITS RAILWAY INTO THE CITIES OF NORTHAMPTON
AND CHICOPEE.

Chap.119

Be it enacted, etc., as follows:

SECTION 1. The Holyoke Street Railway Company is hereby authorized and empowered to extend its routes and tracks into the cities of Northampton and Chicopee, along such locations and routes and subject to such conditions and limitations as may be imposed by the respective boards of aldermen of said cities of Northampton and Chicopee.

May extend railway.

SECTION 2. This act shall take effect upon its passage.

Approved March 25, 1893.

AN ACT CHANGING THE NAME AND ENLARGING THE POWERS OF
THE AMERICAN COLLEGE AND EDUCATION SOCIETY.

Chap.120

Be it enacted, etc., as follows:

SECTION 1. The name of the American College and Education Society is hereby changed to the American Education Society.

Name changed.

Devises, etc., to vest in American Education Society.

SECTION 2. All devises, bequests, conveyances and gifts heretofore or hereafter made to said corporation by either of said names shall vest in said American Education Society.

Powers and authority extended.

SECTION 3. In addition to the uses, purposes and objects for which said corporation has been organized and established, it is also hereby authorized and empowered to promote christian civilization in any state or territory of the United States, and in the District of Columbia, by the education of children and youth therein, under christian teachers; and also by the use of such kindred agencies as may be at any time deemed desirable.

May hold meetings outside the Commonwealth.

SECTION 4. Said corporation is hereby authorized and empowered to hold its meetings, annual or special, or any meetings of its directors or of any of its standing committees, without the limits of this Commonwealth, as the by-laws of said corporation from time to time may provide.

Subject to acceptance by corporation.

SECTION 5. This act shall be void unless the same shall be accepted by said corporation at a meeting thereof called for that purpose or at the annual meeting thereof held next after the passage of this act.

Approved March 25, 1893.

Chap. 121 AN ACT TO PROVIDE THAT BONDS ISSUED FOR THE ARMORY LOAN SHALL BE REDEEMABLE IN GOLD OR ITS EQUIVALENT.

Be it enacted, etc., as follows:

Armory loan bonds to be paid in gold, etc.

SECTION 1. The interest and principal of the scrip or certificates of debt issued by the treasurer of the Commonwealth under authority of chapter three hundred and eighty-four of the acts of the year eighteen hundred and eighty-eight, being an act to provide armories for the Massachusetts volunteer militia, shall be payable when due in gold coin or its equivalent.

SECTION 2. This act shall take effect upon its passage.

Approved March 25, 1893.

Chap. 122 AN ACT TO INCORPORATE THE MARKETS SAVINGS BANK.

Be it enacted, etc., as follows:

Markets Savings Bank incorporated.

SECTION 1. James C. Melvin, Albert S. Eustis, Edwin Chapman, S. Everett Hyde, Ewen R. McPherson, Frank O. Squire, William W. Kimball, Chandler Wright, Arthur W. Newell, Henry L. Lawrence, Richard H.

Sturtevant, William H. Conant, their associates and successors, are hereby made a corporation by the name of the Markets Savings Bank, with authority to establish and maintain a savings bank in the city of Boston; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to savings banks and institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved March 25, 1893.

AN ACT TO EXTEND THE POWERS OF THE ST. JEAN BAPTISTE SOCIETY OF MARLBOROUGH. Chap. 123

Be it enacted, etc., as follows:

SECTION 1. The St. Jean Baptiste Society of Marlborough is hereby given all the rights and privileges conferred by the provisions of chapter four hundred and twenty-nine of the acts of the year eighteen hundred and eighty-eight and acts amendatory thereof, the same as if incorporated thereunder, anything in its charter to the contrary notwithstanding.

Given rights and privileges conferred by 1888, 429.

SECTION 2. This act shall take effect upon its passage.

Approved March 25, 1893.

AN ACT AUTHORIZING ADVANCES TO THE COMMISSIONERS OF THE MASSACHUSETTS NAUTICAL TRAINING SCHOOL. Chap. 124

Be it enacted, etc., as follows:

SECTION 1. The commissioners of the Massachusetts nautical training school shall submit each year an estimate of the amount necessary for the payment of expenses required in making cruises in or from the harbor of Boston, and the amount of said estimate, after the same shall have been approved by the governor and council, shall be advanced from the treasury of the Commonwealth to the commanding officer of the United States ship Enterprise, which has been detailed and accepted for the uses of said training school; but the amounts so advanced shall not exceed ten thousand dollars for six months, and shall be accounted for by properly approved vouchers within thirty days from the termination of said cruises. All such expenses shall be subject to the provisions of chapter sixteen of the Public Statutes. The commanding officer as aforesaid shall give a bond with sufficient sure-

Expenses of cruises of U. S. ship Enterprise, estimate, advances, limit, etc.

Commander to give bond.

ties, to be approved by the governor and council, in the sum of ten thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 25, 1893.

Chap. 125 AN ACT TO AUTHORIZE THE CONSTRUCTION OF A BRIDGE OVER THE EAST BRANCH OF WESTPORT RIVER IN THE TOWN OF WESTPORT.

Be it enacted, etc., as follows:

Bridge over east branch of Westport river to be constructed, etc.

SECTION 1. The county commissioners of the county of Bristol are hereby authorized and required to construct, subject to the provisions of chapter nineteen of the Public Statutes and any amendment thereof, a suitable way and bridge, with suitable approaches thereto, over the east branch of Westport river in the town of Westport, so as to connect Westport Point with Horse Neck beach, at an expense not exceeding twenty thousand dollars. Said bridge may be constructed with or without a draw therein, as the board of harbor and land commissioners shall approve.

County commissioners to borrow money for construction, etc.

SECTION 2. The expense of constructing said bridge and approaches shall in the first instance be borne by the county of Bristol, and the commissioners of said county are hereby authorized and directed to borrow on the credit of said county such sums of money as may from time to time be required for the expenses of such construction. The money so borrowed shall be deposited in the county treasury, and the county treasurer shall pay out the same as ordered by said county commissioners, and said county treasurer shall keep a separate and accurate account of all sums borrowed and expended under the provisions of this act, including interest paid on the money borrowed.

Town of Westport to pay expenses of construction, etc.

SECTION 3. Said town of Westport shall, upon the completion of said bridge and approaches, pay all expenses incurred under the provisions of this act and interest thereon, as shown by the account of said county treasurer, and if said town shall neglect or refuse to pay the same in accordance with any order of the county commissioners issued for that purpose, the said commissioners shall, after notice to said town, unless sufficient cause is shown to the contrary, issue a warrant against said town for the sum it was ordered to pay, and costs, and the same shall

be collected and paid into the county treasury of said county: *provided, however*, that if upon the completion of said bridge, approaches and way, said commissioners shall, after such notice and hearing as they may order, be of opinion that the whole of the expenses incurred under this act and interest thereon ought not to be borne by the said town of Westport, they may determine, award and name what portion of the same shall be borne by said county or by any of the cities or towns therein, and issue their order for such payment accordingly; and like proceedings shall be had to collect of any such city or town the portion of such expense which they may be so ordered to pay as hereinbefore provided for enforcing said payment against said town of Westport.

SECTION 4. The said bridge and approaches shall after their completion be kept in repair by said town of Westport.

SECTION 5. This act shall take effect upon its passage.

Approved March 25, 1893.

AN ACT IN RELATION TO RAISING THE GRADE AND CHANGING THE LOCATION OF THE PROVIDENCE DIVISION OF THE OLD COLONY RAILROAD IN THE CITY OF BOSTON.

Chap. 126

Be it enacted, etc., as follows:

SECTION 1. The city of Boston, by its park commissioners, may lay out a park way, and the board of street commissioners of said city may lay out Mozart street and Williams street as highways, across the location of the Providence division of the Old Colony railroad, as provided by the report of the commissioners appointed by the superior court for the county of Suffolk to consider the abolition of the grade crossings of Tremont street and the Boston and Providence division of the Old Colony railroad in the city of Boston, acting under said appointment and under chapter four hundred and thirty-three of the acts of the year eighteen hundred and ninety-two. The acceptance of the report of said commissioners by the superior court for the county of Suffolk, or any justice thereof, shall be a taking of the land therein required to be taken for railroad and highway purposes, as therein specified, and damages shall be assessed and recovered therefor as provided by chapter four hundred and twenty-eight of the acts of the year eighteen hundred and

Park way and streets may be laid out across railroad, etc.

Acceptance of report to be deemed a taking of land, etc.

Corporation to make changes in railroad and streets at its expense, etc.

ninety. The Old Colony Railroad Company shall raise the Providence division of its railroad in the city of Boston, and make all the changes therein and of the streets crossed thereby which are prescribed and required to be made by the report and decision of said commissioners, and shall primarily pay all the expenses thereof, including damages occasioned by taking land for and by alteration or construction of highways, as required by said report and decision.

Auditor, appointment, powers and duties; expenses, payment, etc.

SECTION 2. The court shall appoint some proper person, who may be an inhabitant of Boston, as auditor, who shall from time to time audit and make report to the court of the expenses incurred by the railroad company in carrying out said decision of the commissioners, which reports when accepted by the court shall be final; and said court shall from time to time, upon said reports, issue its decrees for payments by the treasurer and receiver general of the Commonwealth to the railroad company of its proportion of said expenses, as fixed and required to be paid by chapter four hundred and thirty-three of the acts of the year eighteen hundred and ninety-two. The compensation of the commissioners and the expenses incurred in surveying, engineering and other matters under their direction, to enable them to make their said report, as well as the compensation of the auditor, shall be a part of the expenses of raising the railroad as required by said chapter and by this act, and be primarily paid by the railroad company.

Compensation and expenses to be paid by railroad company.

SECTION 3. This act shall take effect upon its passage.

Approved March 27, 1893.

Chap.127 AN ACT TO AUTHORIZE THE OLD COLONY RAILROAD COMPANY TO INCREASE ITS TERMINAL FACILITIES IN THE CITY OF BOSTON AND INCREASE ITS CAPITAL STOCK.

Be it enacted, etc., as follows:

May take land for terminal facilities, etc.

SECTION 1. The Old Colony Railroad Company is hereby authorized, at any time within three months from the passage of this act, to take the whole of the tract of land in the city of Boston bounded by Dorchester avenue, West Fourth street and the railroad of said company, for the purpose of increasing its terminal facilities and for railroad purposes, and may discontinue and occupy for

such purposes the streets embraced in said tract; and it may also take the right to use for the same purposes that portion of West Fourth street from the easterly line of Foundry street to the dock of Fort Point channel over which West Fourth street is to be constructed upon a bridge, under decree of the superior court of Suffolk county, made on the seventeenth day of November in the year eighteen hundred and ninety-two, directing such alteration in the grade of said street so as to avoid a grade crossing of the railroad of said company; but such taking shall not impair any right of the city of Boston to lay and maintain in that portion of West Fourth street all necessary sewers, water and gas pipes, and its own electric wires, nor impair any obligation of the railroad company to properly maintain said bridge under the decree of the court above referred to.

Certain rights and obligations not impaired, etc.

SECTION 2. No occupant of any portion of the land taken shall be required to vacate his premises until six months after the passage of this act, and Bowker, Torrey and Company shall not be required to vacate the land owned and occupied by them for marble and stone works until nine months after the passage of this act.

Occupants not required to vacate land until, etc.

SECTION 3. The laws of the Commonwealth relating to the taking of lands for railroad purposes and the location and construction of railroads, and the assessment of damages occasioned thereby, shall be applicable to and govern the proceedings in the taking of lands hereby authorized to be taken; and in case the parties cannot agree upon said damages, upon petition of either party, made within one year after the taking of the land, to the superior court for Suffolk county, the same shall be assessed by a jury in that court.

Provisions of law to apply.

SECTION 4. Land taken under this act shall not be exempt from taxation, and to pay for land thus taken, and to pay for the construction of freight and passenger stations in Boston, and for alteration of grade crossings of its road in the cities of Boston and Brockton, as is or may be required by decrees of court, said company may from time to time issue additional capital stock, not to exceed in all three million dollars, to be sold at auction under the provisions of law.

Land not exempt from taxation, etc.

May increase capital stock, etc.

SECTION 5. This act shall take effect upon its passage.

Approved March 27, 1893.

Chap. 128 AN ACT TO AUTHORIZE THE CITY OF EVERETT TO BORROW MONEY BEYOND THE LIMIT FIXED BY LAW AND TO EXEMPT SAID CITY FROM THE OPERATION OF SECTION ONE OF CHAPTER THREE HUNDRED AND TWELVE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-FIVE.

Be it enacted, etc., as follows:

Everett Sewer
Loan.

SECTION 1. The city of Everett, for the purpose of constructing a system of sewerage and of sewage disposal, and for the purchase of lands necessary thereto, is hereby authorized to incur indebtedness to an amount not exceeding one hundred and twenty-five thousand dollars outside its debt limit, and to issue from time to time negotiable bonds, notes or scrip therefor, denominated on the face thereof Everett Sewer Loan, signed by its mayor and treasurer, payable in periods not exceeding thirty years from the date of issue.

Everett High
School Building
Loan.

SECTION 2. The city of Everett, for the purpose of completing and furnishing its high school building, is hereby authorized to incur indebtedness to an amount not exceeding twenty thousand dollars outside its debt limit, and to issue from time to time negotiable bonds, notes or scrip therefor, denominated on the face thereof Everett High School Building Loan, signed by its mayor and treasurer, payable in periods not exceeding ten years from the date of issue.

Everett General
Loan.

SECTION 3. The city of Everett, for the purpose of providing for maturing indebtedness, is hereby authorized to incur indebtedness to an amount not exceeding fifteen thousand dollars outside its debt limit, and to issue from time to time negotiable bonds, notes or scrip therefor, denominated on the face thereof Everett General Loan, signed by its mayor and treasurer, payable in periods not exceeding ten years from the date of issue.

Exempt from
1885, §12, §1,
until Jan. 1,
1897.

SECTION 4. The city of Everett is hereby exempted from the operation of section one of chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-five until the first day of January in the year eighteen hundred and ninety-seven.

SECTION 5. This act shall take effect upon its passage.

Approved March 28, 1893.

AN ACT TO PROVIDE FOR THE IMPROVEMENT OF GROUNDS ADJOINING THE STATE HOUSE.

Chap. 129

Be it enacted, etc., as follows:

SECTION 1. The state house construction commissioners may sell by public auction any or all buildings on the land taken by them under chapter four hundred and four of the acts of the year eighteen hundred and ninety-two, and the proceeds of such sales shall be paid into the treasury of the Commonwealth, to be placed to the credit of the state house loan of nineteen hundred and one.

State house construction commissioners may sell certain buildings, etc.

SECTION 2. Said commissioners may lay out said land, together with any other portion of the land belonging to the Commonwealth surrounding the state house, for use as a park, with walks, grassplots, curbing and railing; may furnish a site thereon for the Beacon Hill monument, and may establish and change grades; may close any portion or the whole of any street within the boundaries of said land; may construct new approaches to the buildings from any adjacent public streets, and may build retaining walls and fences. They may also, in behalf of the Commonwealth, agree with the city of Boston in regard to any changes of grade in streets on which the Commonwealth's land is bounded, and may waive any or all grade damages or claims for land taken for street widenings.

May lay out land as a park, etc.

May make certain agreements with city of Boston, etc.

SECTION 3. All expenses incurred under this act shall be paid from the state house loan of nineteen hundred and one, authorized by chapter three hundred and forty-nine of the acts of the year eighteen hundred and eighty-eight, chapter three hundred of the acts of the year eighteen hundred and eighty-nine and chapter four hundred and thirty-eight of the acts of the year eighteen hundred and ninety-two, in the same manner as is provided for the payment of expenses under the said chapter four hundred and four of the acts of the year eighteen hundred and ninety-two.

Expenses to be paid from state house loan of 1901.

SECTION 4. This act shall take effect upon its passage.

Approved March 28, 1893.

AN ACT TO ESTABLISH THE SALARY OF THE SECOND CLERK OF THE SECRETARY OF THE STATE BOARD OF AGRICULTURE.

Chap. 130

Be it enacted, etc., as follows:

SECTION 1. The salary of the second clerk of the secretary of the state board of agriculture shall be twelve

Salary established.

hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-three.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1893.

Chap.131 AN ACT TO PROVIDE FOR QUARTERLY STATEMENTS BY RAILROAD CORPORATIONS.

Be it enacted, etc., as follows :

Railroad corporations to make quarterly statements.

SECTION 1. Every railroad corporation operating a railroad within this Commonwealth shall, within fifty days after the expiration of each quarter of the calendar year, transmit to the board of railroad commissioners a quarterly statement of its business and financial condition, made up in such form and with such detail as said board may require ; and such statement shall at reasonable times be open to public inspection. A railroad corporation neglecting to make and transmit any such quarterly statement within the time above prescribed shall forfeit fifty dollars for each day's neglect.

Penalty.

1889, 241, repealed.

SECTION 2. Chapter two hundred and forty-one of the acts of the year eighteen hundred and eighty-nine is hereby repealed.

Approved March 28, 1893.

Chap.132 AN ACT TO AUTHORIZE THE CAPE COD BAY LAND ASSOCIATION TO BUILD A BRIDGE IN THE TOWN OF WELLFLEET.

Be it enacted, etc., as follows :

May build a bridge in Wellfleet.

SECTION 1. The Cape Cod Bay Land Association may build and maintain a bridge in that part of Wellfleet called South Wellfleet, across tide water, from or near the old wharf, so-called, to Lieutenant's island, subject to the approval of the board of selectmen of the town of Wellfleet and the provisions of chapters nineteen and forty-nine of the Public Statutes and acts in amendment thereof and in addition thereto.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1893.

Chap.133 AN ACT TO CHANGE THE NAME OF THE WINTHROP UNITARIAN ASSOCIATION.

Be it enacted, etc., as follows :

Name changed.

SECTION 1. The name of the Winthrop Unitarian Association is hereby changed to the First Unitarian Church of Winthrop.

SECTION 2. All devises, bequests, conveyances and gifts heretofore or hereafter made to said corporation by either of said names shall vest in the First Unitarian Church of Winthrop.

Devises, etc.,
to vest in First
Unitarian
Church of
Winthrop.

SECTION 3. This act shall take effect upon its passage.

Approved March 28, 1893.

AN ACT TO CONFIRM THE PROCEEDINGS OF THE NEWTON CEMETERY CORPORATION.

Chap.134

Be it enacted, etc., as follows :

SECTION 1. The proceedings, prior to the passage of this act, of the Newton Cemetery Corporation in the city of Newton shall not be invalid by reason that certain persons have been accepted and treated as members of said corporation through their purchase of burial rights therefrom, without actual election as contemplated in the organization of said corporation, nor by reason that certain persons as proprietors of lots have been accepted and treated as members of said corporation to whom deeds of burial rights have been delivered by it not strictly in the forms prescribed by the by-laws of said corporation.

Proceedings
confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1893.

AN ACT TO ESTABLISH THE FIRE DEPARTMENT OF THE CITY OF HAVERHILL.

Chap.135

Be it enacted, etc., as follows :

SECTION 1. The fire department of the city of Haverhill shall consist of a chief engineer and four assistant engineers, who shall constitute a board of engineers, and as many enginemen, hosemen, hook-and-ladder men, and other persons, permanent and call, as the care, management and equipment of the fire apparatus belonging to the city shall from time to time require.

Fire department
of the city of
Haverhill.

SECTION 2. The mayor shall in the month of December in the year eighteen hundred and ninety-three appoint, subject to the approval of the board of aldermen, a chief engineer of the fire department, for a term of four years beginning with the first day of January following his appointment, and four assistant engineers, one for a term of one year, one for a term of two years, one for a term of three years and one for a term of four years beginning

Chief engineer
and assistant
engineers,
terms, removal,
vacancies, etc.

with the first day of January following their appointment and until their respective successors shall be confirmed; and thereafter the mayor shall in the month of December previous to the expiration of their respective terms appoint, in the manner prescribed in this section, a chief engineer for a term of four years and one assistant engineer for a term of four years; said engineers may be removed by the mayor for cause, after due hearing, subject to the approval of the aldermen. Vacancies in the board of engineers shall be filled by the mayor for the unexpired terms, subject to the approval of the aldermen.

Chief engineer,
powers and
duties.

SECTION 3. The chief engineer shall have the care and superintendence of the public engines, hose, fire hooks, hose carriages, ladders and ladder trucks of the city, together with the buildings, fixtures, fire alarm system, appendages, pumps, hydrants, reservoirs and apparatus owned by the city and used for extinguishing fires. He shall have sole command at fires over all other engineers, officers and members of the fire department, and he shall have power to suspend any officer or member of the department, or any person holding a position in connection with said department, for insubordination, neglect of duty or disorderly conduct; and unless such officer, member or other person, as the case may be, shall have been previously reinstated by said chief engineer he shall report such suspension, with the cause therein stated, to the board of engineers at their next regular meeting; and, subject to the approval of the board of engineers, he may discharge any officer or member of the department excepting an assistant engineer.

Board of en-
gineers, powers
and duties.

SECTION 4. The board of engineers shall have the power of electing members of companies, officers and all other men, both permanent and call, as required by the ordinances of said city, the same to serve for a term of one year, in the manner prescribed by said ordinances, unless sooner removed by said board of engineers.

Assistant en-
gineers, powers
and duties.

SECTION 5. Assistant engineers shall obey all orders of the chief engineer and shall at all times assist him in his duties; they shall personally inspect such houses and apparatus as the chief may specify, and shall report the condition of the same, together with such recommendations as they deem wise and proper. In the absence of the chief engineer the powers and duties conferred and imposed on him shall devolve on the engineer next in

rank. Whenever any fire occurs out of the city only such assistant engineers shall attend the same as shall be designated by the chief engineer.

SECTION 6. The power of purchasing property or apparatus to be used in extinguishing fires, of altering, repairing or adding to the same, as well as the power to fix the compensation of the officers and members of the department, shall be vested in the city council. Rules and regulations which may be made by the board of engineers under the provisions of section thirty-five of chapter thirty-five of the Public Statutes shall not be binding until approved by the city council.

City council,
powers and
duties.

SECTION 7. Nothing herein contained shall extend or enlarge the liabilities of the city of Haverhill by reason of the performance of any duties heretofore vested in the board of engineers.

Liabilities of
city not affected.

SECTION 8. All acts inconsistent with this act are hereby repealed.

Repeal.

Approved March 29, 1893.

AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF LOWELL TO PERMIT THE USE OF A PORTION OF THE MEMORIAL BUILDING IN SAID CITY AS A PLACE FOR MEETINGS AND ASSEMBLAGES OF MEMBERS OF THE VARIOUS POSTS OF THE GRAND ARMY OF THE REPUBLIC.

Chap.136

Be it enacted, etc., as follows :

SECTION 1. The city council of the city of Lowell is hereby authorized to permit the various posts of the grand army of the republic in said city, or any of the officers thereof, to use and occupy, as a place of meeting, memorial hall and the rooms adjoining the same in the memorial building in said city, for such time and upon such terms and conditions as said city council shall from time to time prescribe.

Meetings of
grand army of
the republic
may be held in
memorial hall,
etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1893.

AN ACT MAKING APPROPRIATIONS FOR COMPLETING THE PREPARATION AND PUBLICATION OF THE PROVINCE LAWS.

Chap.137

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of

Appropriations.

completing the preparation and publication of the acts and resolves of the Province of the Massachusetts Bay, as provided for in chapter twelve of the resolves of the present year, to wit : —

Provincial laws,
editor.

For the salary of the commissioner whose duty it is to edit said work, the sum of eighteen hundred thirty-three dollars and thirty-three cents, being in addition to the one hundred sixty-six dollars and sixty-seven cents appropriated by chapter eight of the acts of the present year.

Clerks and
contingent
expenses.

For the services of copyists and messenger, extra help, engraving and lithographing, stationery and postage, travelling and other necessary expenses in connection with said work, a sum not exceeding fifty-nine hundred and forty dollars, being in addition to the five hundred dollars appropriated in chapter eight of the acts of the present year for clerks and contingent expenses.

Printing, and
binding.

For printing and binding such volumes as may be completed, a sum not exceeding sixty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1893.

Chap.138 AN ACT TO ESTABLISH THE SALARY OF THE ASSISTANT DISTRICT ATTORNEY FOR THE MIDDLE DISTRICT.

Be it enacted, etc., as follows :

Salary
established.

SECTION 1. The salary of the assistant district attorney for the middle district shall be twelve hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-three.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1893.

Chap.139 AN ACT TO EXTEND THE TIME FOR FILING THE LOCATION OF THE EXETER AND AMESBURY RAILROAD COMPANY.

Be it enacted, etc., as follows :

1891, 231, §6,
amended.

SECTION 1. Section six of chapter two hundred and thirty-one of the acts of the year eighteen hundred and ninety-one is hereby amended by striking out in the second line, the word “two”, and inserting in place thereof the word : — four, — so as to read as follows : —
Section 6. If the location of the road authorized to be built by this act is not filed within four years, and if

Location and
construction.

said railroad is not constructed within five years from the passage of this act, this act shall be void.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1893.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A CAUSEWAY OR BRIDGE OVER TIDE WATER FROM HORSE NECK POINT TO GOOSEBERRY NECK IN THE TOWN OF WESTPORT. Chap.140

Be it enacted, etc., as follows:

Leander Brightman, George F. Bartlett and Gilbert Allen are hereby authorized to construct and maintain, subject to the provisions of chapter nineteen of the Public Statutes and acts amendatory thereof, a suitable causeway or bridge, without a draw, over tide water, from Horse Neck Point to Gooseberry Neck in the town of Westport.

May construct bridge over tide water in Westport.

Approved March 29, 1893.

AN ACT TO AUTHORIZE THE CITY OF HOLYOKE TO CONSTRUCT AND MAINTAIN A SYSTEM OF SEWERAGE AND SEWAGE DISPOSAL FOR CERTAIN SECTIONS OF SAID CITY. Chap.141

Be it enacted, etc., as follows:

SECTION 1. The city of Holyoke is authorized to construct and maintain a system of sewerage and sewage disposal for those sections of said city known as Elmwood, Oakdale and Springdale, and for that purpose may issue bonds, notes or scrip to an amount not exceeding in the aggregate two hundred and fifty thousand dollars.

May construct a system of sewerage, issue bonds, etc.

SECTION 2. Said bonds, notes or scrip shall be payable at periods of not more than twenty years from the date thereof, and the provisions of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall apply thereto; and such bonds, notes or scrip shall not be considered or reckoned in ascertaining the authorized limit of indebtedness of said city under the provisions of section four of chapter twenty-nine of the Public Statutes and all acts in amendment thereof or supplementary thereto.

Bonds, etc., not to be reckoned in ascertaining authorized debt limit.

SECTION 3. This act shall take effect upon its passage.

Approved March 29, 1893.

Chap.142 AN ACT TO PROVIDE FOR COMPENSATION IN CASES OF JOINT OCCUPANCY OF RAILROAD STATIONS AND GROUNDS.

Be it enacted, etc., as follows :

Compensation to be paid in cases of joint occupancy of railroad stations and grounds.

SECTION 1. Whenever one railroad corporation occupies or uses, or has a right to occupy, or to enter upon and use, a station, road or grounds of another, or any portion thereof, the board of railroad commissioners, upon petition of either party and after due notice to the other, shall hear the parties and determine the compensation to be paid for such occupancy or use; and the award of the board shall be binding upon the respective corporations for five years, or until the board revises and alters the same. Any such award, on the request in writing of a party affected thereby, filed within thirty days after the rendering thereof, shall be returned into the supreme judicial court and shall there be subject to revision in the same manner as if the board had derived its power in the premises under the appointment of said court.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1893.

Chap.143 AN ACT TO AUTHORIZE THE TRUSTEES OF THE LEXINGTON MINISTERIAL FUND TO PAY CERTAIN MONEYS TO THE FIRST BAPTIST CHURCH OF LEXINGTON.

Be it enacted, etc., as follows :

Certain moneys to be paid to First Baptist Church of Lexington.

SECTION 1. The Trustees of the Lexington Ministerial Fund in making distribution of the annual income of said fund, as provided by chapter one hundred and twelve of the acts of the year eighteen hundred and forty-five, are authorized and empowered to pay to the First Baptist Church of Lexington such portion of said income as may now be due to, or shall hereafter become due and payable to, the First Baptist Society, under the provisions of said chapter one hundred and twelve, said First Baptist Society having conveyed to said church all of its real and personal estate as provided by section eight of chapter four hundred and four of the acts of the year eighteen hundred and eighty-seven; and said income shall thereafter be held by said church subject to the same uses and trusts as when held by said religious society.

First Baptist Church substituted, etc.

SECTION 2. Said First Baptist Church of Lexington shall hereafter be substituted for said First Baptist Society

in all respects, under the provisions of chapter one hundred and twelve of the acts of the year eighteen hundred and forty-five, so far as the same are applicable to it.

SECTION 3. This act shall be void unless it is assented to by said First Baptist Society at a legal meeting, and a conveyance is made by said First Baptist Society to said church of all rights under said chapter one hundred and twelve.

Approved March 29, 1893.

Act to be void unless assented to, etc.

AN ACT REQUIRING STATE BOARDS AND COMMISSIONS TO REPORT RECOMMENDATIONS FOR LEGISLATION ON OR BEFORE THE FIRST WEDNESDAY IN JANUARY.

Chap. 144

Be it enacted, etc., as follows :

Such parts of the annual reports of state boards or commissions, required by law to be made to the governor and council or to the general court, as contain recommendations or suggestions for legislative action, shall be deposited with the secretary of the Commonwealth on or before the first Wednesday in January of each year, and shall by him be transmitted forthwith to the governor and council or to the general court.

Recommendations for legislative action to be deposited with the secretary of the Commonwealth, etc.

Approved March 29, 1893.

AN ACT TO EXTEND THE TIME FOR THE ACCEPTANCE OF THE ACT TO SUPPLY THE TOWN OF IPSWICH WITH WATER.

Chap. 145

Be it enacted, etc., as follows :

SECTION 1. The time within which the town of Ipswich may vote upon the acceptance of chapter three hundred and thirteen of the acts of the year eighteen hundred and ninety is hereby extended for the term of three years from the passage of this act. The provisions of section eleven of said chapter shall apply to all meetings called for the purpose of accepting the same and to the voting at such meetings.

Time extended for acceptance of 1890, 313.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1893.

AN ACT RELATIVE TO COUNTING BALLOTS WHEN VOTING IS IN PROGRESS.

Chap. 146

Be it enacted, etc., as follows :

SECTION 1. Section eighty-nine of chapter four hundred and twenty-three of the acts of the year eighteen

1890, 423, §59, amended.

hundred and ninety as amended by chapter four hundred and five of the acts of the year eighteen hundred and ninety-two, is hereby amended by striking out in the twenty-sixth and twenty-seventh lines of said section, the words "having more than six hundred voters", and by inserting in the twenty-sixth line, after the word "therein", the words: — and except that, — so as to read as follows: — *Section 89.* City and town clerks shall send to the election officers of each precinct or town before the opening of the polls on the day of any state or city election, or meeting at which such ballot box is required by law to be used, the ballot box furnished by the secretary of the Commonwealth, with such ballot box seals and other ballot boxes as may be approved by the board of aldermen or selectmen, as the case may be. At the opening of the polls in each precinct or town, and before any ballots are received, the ballot box shall be publicly opened and shown to be empty, and the election officers shall, by personal examination, ascertain that the same is empty, after which the box shall immediately be locked or fastened, a record of the condition of the box register made by the clerk, and the key taken, if one be used, and retained by the constable or police officer in attendance at said precinct. The ballot box shall not be removed from the public view, after it is so shown to be empty, until all ballots have been removed therefrom and the box has been relocked or sealed. No ballot shall be removed from the ballot box in any precinct or town while the polls are open, and the box shall not be opened except that, in order to make room for the deposit of all ballots, the warden may, in the presence of all the election officers, open the box and pack and press down the ballots therein, and except that in towns and precincts of towns the ballot box may be opened and ballots taken therefrom and counted whenever in the unanimous judgment of the selectmen, or moderator, and town clerk of said towns, or of the election officers of said precincts, it is necessary or advisable so to do. The wardens of each precinct shall have charge of the ballot boxes and ballot box seals, and shall, at the close of each election, return the same, either personally or by the hand of the police officer or constable in attendance at the precinct, to the city or town clerk. The clerk of each city and of each town divided into voting precincts, respectively, shall

Ballot boxes to be furnished election officers before opening of polls.

Ballot box to be examined before opening of polls, etc.

Opening of box and removal of ballots during an election.

Ballot boxes and seals.

furnish to the clerks of the several precincts a seal of suitable device, the design for which shall include the number or designation of the precinct for which it is furnished; and said seal shall be used in sealing the envelopes as required by law at any election. The precinct clerk shall retain the custody of the precinct seal, and he shall, at the end of the term for which he was appointed or whenever he ceases to hold said office, deliver the same, together with the records of the precinct and other documents, to the city or town clerk.

Precinct clerks to be furnished with seal for sealing envelopes, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1893.

AN ACT AUTHORIZING THE REFUNDING OF THE WATER DEBT OF THE CITY OF LAWRENCE AND PROVIDING FOR CERTAIN EXPENSES FOR CONSTRUCTION OF THE WATER WORKS OF SAID CITY.

Chap. 147

Be it enacted, etc., as follows:

SECTION 1. The city of Lawrence, for the purpose of paying and refunding so much of its existing indebtedness as may have been incurred in the construction of its water works, and the expense incurred and to be incurred in the construction and extension of the same during the years eighteen hundred and ninety-two and eighteen hundred and ninety-three, may issue from time to time bonds, notes or scrip bearing interest at a rate not exceeding four per cent. per annum and to an amount not exceeding nine hundred thousand dollars.

Refunding water debt, extending water works, etc.

SECTION 2. Said bonds, notes or scrip may be made payable at any time within thirty years from their date, and said city may reserve an option to pay the same at an earlier date than that at which they are absolutely payable. They shall bear upon their face the words, Lawrence Water Loan, 1893.

Lawrence Water Loan, 1893.

SECTION 3. The proceeds of the sale of said bonds, notes or scrip shall be used to redeem and pay the existing water bonds issued by the city, and to repay to the city treasury the expense incurred in the years eighteen hundred and ninety-two and eighteen hundred and ninety-three for the improvement, construction and extension of the water works of said city.

Proceeds of sale of bonds to be used in refunding water debt, extending water works, etc.

SECTION 4. There shall be annually paid from the net income of the water department of said city, after the payment of the expense of maintenance of the works and

Payment of expenses, interest, etc.

of the interest upon the water debt, such sum to the trustees of the water loan sinking fund as shall with the accumulations of interest thereon be sufficient to pay at the maturity thereof the water bonds, notes or scrip issued by said city. If in any year said income shall not be sufficient to defray the expense of said maintenance and to pay said interest and the amount so due to the sinking fund, and such sum as the city may vote for new construction, said city shall raise by taxation in the year succeeding such amount as will make good such deficiency.

Form of bonds,
time of pay-
ment, etc.

SECTION 5. Said city shall by ordinance determine the form of such bonds, notes or scrip, the time at which the same shall be payable, and the amounts and times of the payments to the trustees of the sinking fund.

Trustees of
water loan sink-
ing fund.

SECTION 6. The present trustees of the water loan sinking fund shall not be affected by this act, and with their successors in office shall continue to perform the duties imposed upon them by law.

Payment of
water debt.

SECTION 7. Said city is hereby authorized to apply its existing water loan sinking fund to the payment and redemption of its present water debt, whether now due or not.

P. S. 29, §§10, 11,
to apply.

SECTION 8. The provisions of sections ten and eleven of chapter twenty-nine of the Public Statutes shall, so far as applicable and not inconsistent with this act, apply to said water loan sinking fund.

To take effect
upon accept-
ance.

SECTION 9. This act shall take effect upon its acceptance by the city council of said city of Lawrence.

Approved March 29, 1893.

Chap. 148 AN ACT RELATING TO THE ANNUAL REPORT OF THE SECRETARY OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Annual report
of secretary to
include certain
returns.

SECTION 1. The secretary of the Commonwealth shall incorporate in his annual report to the legislature the returns made under section five of chapter one hundred of the Public Statutes, of the number of liquor licenses issued by the several cities and towns, the amount received for the same and the vote of said cities and towns on the question of granting the same; the returns made under section twenty-five of chapter twenty-five of the Public Statutes by the sheriffs of the several counties, of

all moneys received by them from all sources and the number of days they have attended upon a court of record and upon the county commissioners; and the returns made under sections thirty and thirty-one of chapter twenty-four of the Public Statutes by the registers of deeds, of the whole number of deeds and other instruments recorded during the year and the amount of fees received by them and the office expenses over and above what is paid by the county during the same time.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1893.

AN ACT EXTENDING THE PROVISIONS OF THE PUBLIC STATUTES RELATING TO THE TAXABLE VALUATION OF VESSELS ENGAGED IN THE FOREIGN CARRYING TRADE.

Chap. 149

Be it enacted, etc., as follows:

The provisions of section ten of chapter eleven of the Public Statutes, as amended by chapter three hundred and seventy-three of the acts of the year eighteen hundred and eighty-seven, and by chapter two hundred and eighty-six of the acts of the year eighteen hundred and eighty-nine, and by chapter one hundred and sixteen of the acts of the year eighteen hundred and ninety-one, are hereby renewed and extended for the term of five years.

P. S. 11, §10;
1887, 373; 1889,
286; 1891, 116,
renewed and
extended.

Approved March 29, 1893.

AN ACT TO CHANGE THE NAME OF THE ODD FELLOWS' FRATERNAL ACCIDENT ASSOCIATION OF AMERICA.

Chap. 150

Be it enacted, etc., as follows:

SECTION 1. The name of the Odd Fellows' Fraternal Accident Association of America is hereby changed to the Fraternal Accident Association of America.

Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1893.

AN ACT TO AUTHORIZE THE JUDGE OF PROBATE AND INSOLVENCY OF FRANKLIN COUNTY TO APPOINT AN ASSISTANT REGISTER.

Chap. 151

Be it enacted, etc., as follows:

SECTION 1. The judge of probate and insolvency for the county of Franklin may appoint an assistant register

Assistant register
of probate
and insolvency.

of probate and insolvency in and for said county, who shall hold his office for the term of three years unless sooner removed by the judge of said court; and such assistant register shall be governed by the rules and regulations provided in chapter one hundred and fifty-eight of the Public Statutes, relating to such officers.

Salary; P. S.
158, §24, modi-
fied.

SECTION 2. Such assistant register shall receive a salary of five hundred dollars a year, payable from the treasury of the Commonwealth; but during the time such salary is paid the provisions of section twenty-four of chapter one hundred and fifty-eight of the Public Statutes shall be suspended so far as the same relate to said county.

Approved March 29, 1893.

Chap.152 AN ACT RELATING TO THE MORTGAGE SECURING THE BONDS OF THE INTERSTATE STREET RAILWAY COMPANY.

Be it enacted, etc., as follows:

Mortgage to
secure payment
of bonds to be
a lien upon
property, etc.

SECTION 1. The mortgage which has heretofore been given to secure the payment of the bonds of the Interstate Street Railway Company, authorized by the charter granted to said company by the general assembly of the state of Rhode Island and the several amendments thereto, when duly recorded as required by the laws of this Commonwealth, shall attach to and be a valid lien upon the property, estates and franchises of said company in this Commonwealth, so far as said mortgage purports to convey the same.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1893.

Chap.153 AN ACT TO ESTABLISH THE SALARY OF THE FIFTH ASSISTANT CLERK OF THE SUPERIOR COURT FOR CIVIL BUSINESS FOR THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

Salary estab-
lished.

SECTION 1. The salary of the fifth assistant clerk of the superior court for civil business for the county of Suffolk shall be twenty-five hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-three.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1893.

AN ACT TO CHANGE THE NAME OF THE BOSTON DISTRICT BRANCH OF THE INDEPENDENT ORDER OF ODD FELLOWS MANCHESTER UNITY FRIENDLY SOCIETY. Chap.154

Be it enacted, etc., as follows:

SECTION 1. The name of The Boston District Branch of the Independent Order of Odd Fellows Manchester Unity Friendly Society is hereby changed to The Massachusetts Branch of the Independent Order of Odd Fellows Manchester Unity Friendly Society. Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1893.

AN ACT TO SUPPLY THE TOWN OF WEBSTER WITH WATER.

Be it enacted, etc., as follows:

SECTION 1. The town of Webster may supply itself and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing and other purposes; may establish fountains and hydrants, relocate or discontinue the same, may regulate the use of such water and fix and collect rates to be paid for the same, by a board of water commissioners hereinafter provided for, with a view to obtain an income, so far as can be done without raising the water rates to an unreasonable or oppressive standard, sufficient to pay the expenses of maintaining and operating the water works and the interest on the water loan; and with the further end in view of providing a sum to be contributed to the sinking fund hereinafter provided for, if the income from the water rates shall exceed the expenses and interest aforesaid, when established as above indicated. Town of Webster may supply itself with water.

SECTION 2. The said town for the purposes aforesaid may take, by purchase or otherwise, and hold the waters of Lake Chaubunagungamaug, with the streams and springs tributary thereto, in the said town of Webster, or the waters of any spring or stream in said Webster not tributary to said lake; or may take and hold water obtained by means of bored, driven, artesian or other wells or filtering basins, on any land within said town, and hold and convey water from either or all of said sources through said town; and may also take and hold, by purchase or otherwise, all lands, rights of way and easements necessary for holding and preserving such May take certain waters, lands, etc.

May erect dams,
lay down pipes,
etc.

waters and for conveying the same to any part of said town of Webster; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any land, water courses, railroads or public or private ways, and along any such way in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up any such lands, and, under the direction of the board of selectmen, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

To file in the
registry of
deeds a de-
scription of
lands taken,
etc.

SECTION 3. The said town shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district within which the same are situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

Damages.

SECTION 4. The said town shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said town under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of such damages so sustained, may apply by petition for an assessment of such damages at any time within three years from the taking of said land, right of way, water, water source, water right or easement, and not afterward, to the superior court in the county of Worcester. Such petition may be filed in the clerk's office at any time within the time limited for bringing the same, and the clerk shall thereupon issue a summons to the town of Webster, returnable at the next return day after the expiration of twenty days, which said summons shall be served upon the town at least fourteen days before the return

day thereof, by leaving a copy thereof and of the said petition, certified by the officer who shall serve the same, with the town clerk of said town; and the court may, upon default or hearing of the said town, appoint three commissioners who shall, after reasonable notice to the parties, assess the damages, if any, which such petitioner shall have sustained as aforesaid; and the award of said commissioners, or the major part of them, being returned into and accepted by the said court shall be final, and judgment shall be rendered and execution issued for the prevailing party, with costs, unless one of said parties shall claim a trial by jury, as hereinafter provided. If either of the parties shall be dissatisfied with the amount of damages awarded by the commissioners, such party may, within thirty days of the return of said award, claim in writing a trial in said court, and have a jury to hear and determine at the bar of said court all questions of fact relating to such damages, and to assess the amount thereof; and the verdict of the jury being accepted and recorded by the court shall be final and conclusive, and judgment shall be rendered and execution issued thereon; and costs shall be recovered by the said parties respectively in the same manner as is provided by law in other civil actions in said court. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate one hundred thousand dollars; such bonds, notes and scrip shall bear on their face the words, Webster Water Loan, shall be payable thirty years from the date of issue and redeemable after twenty years, at the option of said town, shall bear interest payable semi-annually at a rate not exceeding four per centum per annum, and shall be signed by the treasurer of the town and be countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town

Webster Water
Loan not to ex-
ceed \$100,000.

Sinking fund. shall provide at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. Any surplus income above the expense of maintaining and operating the water works and paying the interest on the water loan shall be carried into said sinking fund; and such further sum as may be needed to furnish the required annual contribution to the sinking fund shall be raised each year by taxation. The said sinking fund shall be held inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Water commissioners to establish water rates. SECTION 6. Said water commissioners shall establish such prices and rents for the use of the water as to provide annually, if practicable, for the payment of the expenses of maintaining and operating the water works and the interest on the water loan, and a further sum, if may be, to carry into the sinking fund, as mentioned in the first section of this act. The said water commissioners shall be trustees of the sinking fund and shall annually, and oftener if said town shall require, render an account of all their doings in relation thereto.

Trustees of sinking fund.

Return of amount of sinking fund. SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of the sinking fund established under this act.

Town to purchase from H. N. Slater certain water pipes now in the streets, etc. SECTION 8. The said town shall purchase from H. N. Slater all water pipes now in the streets of said town, used in furnishing water for fire, domestic or other purposes, which are now owned by him; except that if he chooses he may reserve and maintain for the purpose hereinafter specified a line of pipe which connects the pumps and reservoir at the East Village with the pumps and mill hydrants at the South Village, and this line may be either the six or the eight inch line now in East Main street, as the said Slater may elect; and a pipe line running from East Main street near the watering trough, through the Thompson road to the Slater barns, so-called, and the election of the said Slater to hold either of said lines of pipe shall release the said town from liability to purchase the same under this act. The said Slater shall have the right to maintain the pipe line between the South Village and the North Village, after he shall have paid the town for the pipe thereof which belongs to the town, which payment may be made by set-off against the amount which

H. N. Slater may maintain certain water pipes, etc.

may be due the said Slater for pipe purchased by the town under the provisions of this section. Said pipe lines shall not however be used by the said Slater, or by any other person, for the distribution of water for domestic purposes, but shall be used only for supplying water for manufacturing and fire purposes in the mills of said Slater, and for general farm and fire purposes in the said barns, and for supplying the farmhouses near said barns: *provided*, Proviso. *however*, that said town shall not, except by mutual agreement, supply water until it is equipped to assume the whole supply of the town, and has purchased the property and rights aforesaid of the said Slater, exclusive of water and water rights taken, upon such terms as said town and the said Slater may mutually agree upon, or on failure of such agreement or purchase, then upon such terms as shall be prescribed by three commissioners to be appointed by the superior court, after notice to both parties on application by either party at any time after two months from the acceptance of this act by the town of Webster.

SECTION 9. At any time after the expiration of three years from the introduction of said water into said town under the provisions of this act, and before the reimbursement of the principal of said Webster water loan, if the income and receipts for the use of the water distributed under this act at the price established by the water commissioners, after deducting all expenses of maintaining and operating the water works, shall for any two successive years be insufficient to pay the accruing interest on the said loan, then the supreme judicial court or any justice thereof, on the petition of twenty-five or more of the legal voters of the said town, each of whom pays an annual tax of twenty-five dollars or more, praying that the price of said water be increased as far as may be necessary for the purpose of paying from the said surplus income and receipts the said accruing interest, and upon due notice of the pendency of said petition given to said town in such manner as said court shall order, may appoint three commissioners who, upon due notice to the parties interested and hearing had, may increase the said price if they shall judge proper, so far as may be necessary for the purpose aforesaid and no further; and the award of said commissioners, or the major part of them, being returned to said court at the next sitting thereof for the county of Worcester, and accepted by said court, shall be binding and

Water rates
may be in-
creased after
three years.

conclusive for the term of three years next after said acceptance, and until the price so fixed shall, after said term, be changed by said water commissioners or by said town.

Penalty for wilfully corrupting or diverting water, etc.

SECTION 10. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Water commissioners, election, powers, duties, etc.

SECTION 11. The said town shall, after its acceptance of this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote; the said commissioners shall be trustees of the sinking fund herein provided for and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

Subject to acceptance by a two thirds vote.

SECTION 12. This act shall take effect upon its acceptance by a two thirds vote of the voters of said town present and voting thereon at any legal town meeting called for the purpose within one year from its passage; but the number of such meetings shall not exceed three. At such meetings the votes shall be taken by written or printed ballot, and the polls shall be kept open from nine o'clock in the morning until four o'clock in the afternoon. At such meetings the selectmen shall preside, and in

receiving said ballots the check list shall be used in the same manner as it is used at elections of national, state and county officers.

Approved March 30, 1893.

AN ACT TO PROVIDE CLERICAL ASSISTANCE FOR THE TREASURER
OF THE COUNTY OF WORCESTER.

Chap.156

Be it enacted, etc., as follows:

SECTION 1. From and after the first day of January in the year eighteen hundred and ninety-three the treasurer of the county of Worcester shall be allowed for clerical assistance a sum not exceeding three hundred dollars a year, to be paid out of the treasury of the county to persons who actually perform the work, upon the certificate of said treasurer that the work is actually performed by them.

Clerical assistance for treasurer of Worcester county.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1893.

AN ACT MAKING AN APPROPRIATION FOR CURRENT EXPENSES AT
THE WESTBOROUGH INSANE HOSPITAL.

Chap.157

Be it enacted, etc., as follows:

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of meeting certain current expenses at the Westborough insane hospital at Westborough during the present year, to wit: —

Appropriation.

For certain current expenses at the Westborough insane hospital at Westborough, a sum not exceeding seven thousand dollars, as authorized by chapter twenty-two of the resolves of the present year.

Westborough insane hospital.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1893.

AN ACT EXEMPTING FROM TAXATION CERTAIN REAL ESTATE OF
THE MARINE SOCIETY AT SALEM IN NEW ENGLAND USED FOR
RELIGIOUS PURPOSES.

Chap.158

Be it enacted, etc., as follows:

SECTION 1. So much of the real estate held in trust by the Marine Society at Salem in New England, under the will of Henry Barr, as is actually used for religious purposes, shall be exempt from taxation.

Certain real estate exempt from taxation.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1893.

Chap.159 AN ACT TO INCORPORATE THE GLOUCESTER, ESSEX AND BEVERLY STREET RAILWAY COMPANY.

Be it enacted, etc., as follows:

Gloucester,
Essex and Bev-
erly Street
Railway incor-
porated.

SECTION 1. William H. Jordan, W. Frank Parsons, David S. Presson, Henry W. Peabody and Lamont G. Burnham, their associates and successors, are hereby made a corporation under the name of the Gloucester, Essex and Beverly Street Railway Company, with all the powers and privileges and subject to all the duties, conditions and restrictions set forth in all general laws that now are or hereafter may be in force relating to street railway companies, except as hereinafter provided.

Location, con-
struction, opera-
tion, etc., of
railway.

SECTION 2. Said company is hereby authorized to construct and operate a railway, with single or double tracks, and with convenient turn-outs and switches, in part upon private land and over and upon any streets or highways in the city of Gloucester and the towns of Manchester, Essex, Wenham, Hamilton, Ipswich and Beverly, as shall be from time to time fixed and determined by the mayor and aldermen of the city of Gloucester for the city of Gloucester, and the selectmen of the towns of Manchester, Essex, Wenham, Hamilton, Ipswich and Beverly, for their respective towns. And said company may construct its tracks over private land, and hold the same by purchase or otherwise: *provided*, that no railway shall be constructed or operated on any street or highway in said city or in any of said towns, unless the board of aldermen of said city and the selectmen of said towns shall respectively grant a location therefor; nor shall any railway, in any event, be constructed or operated upon Hale street, nor south thereof, in said town of Beverly, nor within five hundred yards north of said Hale street, between Chapman's corner in said Beverly and the easterly boundary of said Beverly, nor in the town of Manchester on or south of what is known as the old Wenham road leading from Pleasant street, nor in said Manchester beyond a radius of one mile from the extreme northwest corner thereof. Said company may acquire, subject to the aforesaid proviso, by purchase or otherwise, all necessary real estate for its power stations and other uses incidental to the proper maintenance of its railway. The proceedings for the fixing of the route, location and construction of said railway over all of the route lying

Proviso.

outside of the streets and public highways of said city and towns, and for the taking of private property therefor, shall be similar to those prescribed by the general law in relation to railroads, except as herein otherwise provided.

SECTION 3. The location of said street railway outside of public streets and highways shall not exceed fifty feet in width. Location outside of streets, etc.

SECTION 4. Said company may maintain and operate said railway by any motive power, other than steam, that may be approved by the mayor and aldermen of said city of Gloucester and the selectmen of the said towns of Manchester, Essex, Wenham, Hamilton, Ipswich and Beverly; and, with the consent of the mayor and aldermen of the said city and the selectmen of the said towns, may make such underground alterations of the streets and highways and may erect poles and wires, and may erect and maintain poles and wires on private lands taken, as may be necessary to establish and maintain such motive power. Motive power, alteration of streets, erection of poles, wires, etc.

SECTION 5. The capital stock of said company shall not exceed two hundred and fifty thousand dollars, except that said company may increase its capital stock, subject to all general laws applicable to such increase. Capital stock.

SECTION 6. Said company may from time to time by the vote of the majority in interest of its stockholders issue coupon or registered bonds to an amount not exceeding two hundred and fifty thousand dollars, for a term not exceeding twenty years from the date thereof: *provided*, that no issue of bonds shall be made unless there shall have been actually paid in an amount of the capital stock equal to the amount of such issue. To secure payment of such bonds, with interest thereon, the said company may make a mortgage of its road and franchise and any part of its other property, and may include in such mortgage property thereafter to be acquired, and may therein reserve to its directors the right to sell or otherwise in due course of business to dispose of property included therein which may become worn, damaged or unsuitable for use in the operation of its road, provided an equivalent in value be substituted therefor; and bonds issued shall first be approved by some person appointed by said company for that purpose, who shall certify upon each bond that it is properly issued and recorded. May issue mortgage bonds, etc. Proviso.

To be void if
railway is not
operated prior
to July 1, 1896.

SECTION 7. The provisions of this act shall become void so far as relates to the rights of said company in said city or in either of the said towns in which said company shall not have constructed and operated its railway prior to the first day of July in the year eighteen hundred and ninety-six.

SECTION 8. This act shall take effect upon its passage.

Approved March 31, 1893.

Chap.160 AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF MIDDLESEX COUNTY TO PROVIDE ADDITIONAL ACCOMMODATIONS FOR THE USE OF THE COURTS IN LOWELL.

Be it enacted, etc., as follows:

Additional ac-
commodations
for the use of
courts in
Lowell.

SECTION 1. The county commissioners of the county of Middlesex are hereby authorized and required to provide additional accommodations for the use of the several courts in Lowell, either by the erection of a new building or by the erection of an addition to the present county courthouse in Lowell, as said commissioners may deem best, and may borrow on the credit of said county and expend for such purpose a sum not exceeding one hundred and fifty thousand dollars, which sum shall be paid as follows: namely, one fifth out of the taxes of the year eighteen hundred and ninety-four and one fifth out of the taxes of each succeeding year until said loan is fully paid.

County commis-
sioners to con-
tract for con-
struction, etc.

SECTION 2. The commissioners of said county shall contract for the erection of said building or of said addition, with the exception of the foundation therefor, and the removal of any building or buildings now standing on the proposed site of such addition, in accordance with section twenty-two of chapter twenty-two of the Public Statutes, but may make separate contracts for materials and construction if deemed desirable.

Payment of
personal ex-
penses of com-
missioners.

SECTION 3. Upon the completion of said building or of said addition the commissioners shall return a certified statement of their personal expenses incurred in connection with said work to the controller of county accounts, who shall audit and certify the same to the treasurer of said county, who shall pay them for such expenses from the treasury of said county.

SECTION 4. This act shall take effect upon its passage.

Approved March 31, 1893.

AN ACT TO INCORPORATE THE MILLBURY, SUTTON AND DOUGLAS
ELECTRIC RAILROAD COMPANY. *Chap. 161*

Be it enacted, etc., as follows:

SECTION 1. Thomas M. Babson, Francis A. Harrington and James W. Stockwell, their associates and successors, are hereby made a corporation by the name of the Millbury, Sutton and Douglas Electric Railroad Company, to be operated by electricity; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to railroad corporations.

Millbury, Sutton and Douglas Electric Railroad Company incorporated.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad with one or more tracks from some convenient point at or near the Blackstone river in said Millbury, thence southwesterly to Sutton; thence southerly, via the villages of Manchaug and East Douglas, to a point at or near the depot of the New York and New England railroad in said Douglas, with the right to construct a track to West Sutton, in said Sutton.

Location, construction and operation of railroad, etc.

SECTION 3. The rate of speed upon such parts of the proposed railroad as are within the public highways in any town shall be subject to the limitations fixed by the selectmen of the town through which said railroad passes.

Rate of speed within public highways.

SECTION 4. The capital stock of said corporation shall not exceed two hundred thousand dollars nor be less than one hundred thousand dollars, divided into shares of one hundred dollars each.

Capital stock.

SECTION 5. For the purpose of locating, constructing or equipping said railroad said company may mortgage its road, equipment and franchise, to any amount not exceeding ten thousand dollars per mile for every mile of its roadbed hereby authorized to be located and constructed. Said mortgage shall be given to secure the bonds of said railroad, which shall be issued in conformity with the provisions of chapter one hundred and twelve of the Public Statutes.

May mortgage road, franchise, etc.

SECTION 6. The said railroad company is hereby authorized to make, with any railroad corporation whose railroad now or hereafter shall connect with the said Millbury, Sutton and Douglas electric railroad, as hereafter located, such leases or operating contracts as the directors of such corporation may agree to, and as may be approved by a

May make leases, etc., with other railroad corporations.

majority of the stockholders of each corporation at a meeting duly called for that purpose.

To be void
unless road is
located, con-
structed, etc.

SECTION 7. This act shall take effect upon its passage, and shall be void unless said railroad is located within two years and constructed within four years after the passage of this act.

Approved March 31, 1893.

Chap. 162 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY TO THE ORPHAN SISTERS OF JOHN I. McAVOY, LATE A PROBATION OFFICER OF THE COUNTY OF SUFFOLK, THE BALANCE OF HIS SALARY FOR THE YEAR EIGHTEEN HUNDRED AND NINETY-THREE.

Be it enacted, etc., as follows:

May pay salary
to sisters of
John I.
McAvoy.

SECTION 1. The board of aldermen of the city of Boston, acting as county commissioners, are authorized to pay to the orphan sisters of John I. McAvoy, late a probation officer of the county of Suffolk, the balance of the salary for the year eighteen hundred and ninety-three to which he would have been entitled had he lived and continued to be such officer during the remainder of said year; but no part thereof shall be paid by the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved April 3, 1893.

Chap. 163 AN ACT TO AUTHORIZE THE ASSABET MANUFACTURING COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, etc., as follows:

May increase
capital stock.

SECTION 1. The Assabet Manufacturing Company is hereby authorized to increase its capital stock, in the manner provided by law, at such times and in such amounts as it may from time to time determine: *provided*, the whole amount of capital stock of said Assabet Manufacturing Company shall not exceed two million dollars.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1893.

Chap. 164 AN ACT TO AUTHORIZE THE MASONIC BUILDING ASSOCIATION IN NEW BEDFORD TO INCREASE ITS CAPITAL STOCK.

Be it enacted, etc., as follows:

May increase
capital stock.

SECTION 1. The Masonic Building Association in New Bedford, incorporated by chapter fifty-four of the acts of the year eighteen hundred and seventy-four, is hereby

authorized to increase its capital stock at such times and in such amounts as it may from time to time determine, and to hold real and personal estate to the limit of the capital stock as authorized by this act: *provided*, the whole amount of the capital stock of said association shall not exceed two hundred and twenty-five thousand dollars; and *provided, further*, that nothing in this act shall authorize said corporation to purchase and hold real estate outside the limits of the following described tract, situated in said New Bedford; all that land lying east of Pleasant street, north of Union street, south of the south line of Sears court extended westerly, and west of the east line of property now owned or leased by the Masonic Building Association.

SECTION 2. Said association is hereby authorized to sell any increase of its capital stock voted by the corporation under the authority of this act, at public auction, or to issue as much thereof as may be necessary to purchase any of the land described in this act in payment therefor, and may assume the liabilities thereon and acquire any rights attaching thereto; and the balance of the increase so voted may be issued under the provisions of law for the increase of stock of manufacturing corporations, or sold as aforesaid at public auction, but none of said stock shall be issued at less than the par value thereof.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1893.

AN ACT TO AUTHORIZE THE RICHMOND IRON WORKS TO HOLD
ADDITIONAL REAL ESTATE.

Chap. 165

Be it enacted, etc., as follows:

SECTION 1. The Richmond Iron Works is hereby authorized to hold, for the purposes of its incorporation, real estate not exceeding in value the sum of two hundred and fifty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1893.

AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO LAY OUT AND
CONSTRUCT A STREET OR WAY THROUGH A PORTION OF THE
THAYER BURIAL GROUND.

Chap. 166

Be it enacted, etc., as follows:

SECTION 1. For the purpose of widening and straightening Pleasant street in the city of Brockton, the said

Proviso.

city may take, by purchase or otherwise, a strip of land from the northerly side of the Thayer cemetery, so-called, not exceeding in area six hundred thirty-seven and four tenths feet, in accordance with the plans now on file in the city engineer's office of said city: *provided*, that no burial lot in which are buried the remains of the dead shall be entered upon under the provisions of this act until such remains shall have been removed and duly interred, with all headstones as they now exist, transferred so as to mark their appropriate graves, without expense to the owner of or persons interested in such burial lot.

Payment of damages.

SECTION 2. Said city shall be liable to the owners of and all parties interested in said burial ground, to pay all damages sustained in their property by the taking of any lands under the provisions of the preceding section. If said owners or any party interested as aforesaid cannot agree with the city upon the amount of said damages, such owners or party may have said damages assessed in the same manner as is provided in case of taking of land for highways: *provided*, that any application for a jury to assess said damages shall be made within one year after said damages are sustained.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1893.

Chap. 167 AN ACT TO AUTHORIZE THE CITY OF MEDFORD TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW FOR THE PURPOSE OF ERECTING PUBLIC BUILDINGS.

Be it enacted, etc., as follows:

Medford Public Building Loan.

SECTION 1. The city of Medford, for the purpose of erecting and constructing a city hall building, a high school building, and other public buildings for said city, may incur indebtedness to an amount not exceeding two hundred and fifty thousand dollars, and may from time to time by a vote passed in the manner provided by section seven of chapter twenty-nine of the Public Statutes issue and sell bonds or scrip therefor, signed by its mayor and treasurer and countersigned by its auditor, payable in periods not exceeding twenty years from the date of issue, and bearing interest at a rate not exceeding four per centum per annum payable semi-annually. Said bonds or scrip shall be denominated on their face, Medford Public Building Loan.

SECTION 2. The debt and loan authorized by this act, and the bonds and scrip issued therefor, shall not be considered or reckoned in determining the authorized limit of indebtedness of said city under the provisions of section four of chapter twenty-nine of the Public Statutes and acts in amendment thereof; but said city shall establish a sinking fund, as provided in section nine of said chapter twenty-nine, sufficient with its accumulations for the payment of the debt, bonds and scrip hereby authorized, at their maturity.

Loan not to be reckoned in determining authorized debt limit.

Sinking fund.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1893.

AN ACT TO INCORPORATE THE WOLLASTON CLUB.

Chap. 168

Be it enacted, etc., as follows:

SECTION 1. Chandler W. Smith, Wendell G. Corthell, Henry O. Fairbanks, Frederick H. Bishop, James S. Whiting, Frank H. Armstrong, Richard R. Freeman, George B. Rice, Walter M. Hatch and Walter E. Simmons, their associates and successors, are made a corporation by the name of the Wollaston Club, for the purpose of maintaining a clubhouse and reading room in the city of Quincy; with the powers and privileges and subject to the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Wollaston Club incorporated.

SECTION 2. Said corporation for the purpose aforesaid may hold real and personal estate to an amount not exceeding fifty thousand dollars.

May hold property not exceeding \$50,000.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1893.

AN ACT TO INCORPORATE THE EXCHANGE CLUB OF BOSTON.

Chap. 169

Be it enacted, etc., as follows:

SECTION 1. Samuel Wells, Augustus G. Bullock, Herbert S. Carruth, Alfred D. Chandler, William C. Codman, Jr., Charles Davis, Jr., Arthur L. Devens, Amory Eliot, Emor H. Harding, J. Morris Meredith, Lawrence Minot, Solomon P. Stratton, Nathaniel N. Thayer, Henry Wainwright and Edward F. Whitney, their associates and successors, are hereby made a corporation by the name of the Exchange Club, to be located

Exchange Club of Boston incorporated.

in the city of Boston, for the promotion of commercial and social intercourse and for other lawful purposes, by establishing and maintaining in said city a clubhouse, and by such other means as shall be expedient and proper; with the powers and privileges and subject to the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force and applicable to such corporations.

May hold property not exceeding \$500,000, etc.

SECTION 2. The said corporation, for the purposes aforesaid, may hold real and personal estate to an amount not exceeding five hundred thousand dollars, and may issue bonds and may execute mortgages upon its real estate to an amount not exceeding the value of such real estate and the improvements thereon.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1893.

Chap.170 AN ACT RELATING TO THE CONSTRUCTION, MAINTENANCE AND INSPECTION OF BUILDINGS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

1892, 419, §136, amended.

SECTION 1. Section one hundred and thirty-six of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two is hereby amended by striking out in the third line thereof, the word "inspector", and inserting in place thereof the words: — city of Boston, by its attorney, — so as to read as follows: —

Courts to enforce provisions of law and issue injunctions.

Section 136. Any court having equity jurisdiction, in term time or vacation, may, on the application of the city of Boston, by its attorney, by any suitable process or decree in equity, enforce the provisions of this act, and may, on such application, issue an injunction to restrain the erection, alteration, use or occupation of any building or structure in the city of Boston, erected, altered, maintained or used in violation of this act.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1893.

Chap.171 AN ACT TO AUTHORIZE THE MONUMENT MILLS TO HOLD ADDITIONAL REAL ESTATE.

Be it enacted, etc., as follows:

May hold additional real estate.

SECTION 1. The Monument Mills is hereby authorized to hold, for the purposes of its incorporation, real estate

not exceeding in value the sum of two hundred and fifty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1893.

AN ACT RELATING TO THE TAKING OF SCALLOPS IN THE WATERS
OF THE TOWN OF FAIRHAVEN.

Chap. 172

Be it enacted, etc., as follows:

SECTION 1. The selectmen of the town of Fairhaven may grant permits in writing to take scallops from the waters within the limits of the said town, in such quantities, at such time or times within one year, by such methods and under such regulations as may be expressed in their permit; and they may charge and receive therefor, in behalf of and for the use of said town, such sums as they may deem proper. But every inhabitant of the state may without such permit take scallops from the waters of the town, for the use of the family, from the first day of October to the first day of April, not exceeding in any week three bushels, including the shells.

Taking of scallops from the waters of Fairhaven.

SECTION 2. No person shall take any scallops from the waters of said town without a written permit from the selectmen thereof, except as provided in the preceding section. Whosoever violates the provisions of this act shall be punished by a fine of not less than twenty nor more than one hundred dollars, or by imprisonment in the house of correction not less than thirty days nor more than six months, or by both such fine and imprisonment. One half of the fine shall be paid to the complainant and the other half to the county within which the offence was committed.

Penalty.

SECTION 3. Nothing in this act shall be construed to affect any acts relating to oyster fishery, or to impair the private rights of any person, or in any way to limit or affect the provisions of law for the protection of fisheries other than scallop fisheries, or to permit the taking of scallops upon any oyster grounds or beds other than public grounds or beds.

Certain provisions of law, etc., not affected.

SECTION 4. District courts and trial justices shall have concurrent jurisdiction with the superior court of all offences under this act.

Jurisdiction of courts, etc.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

Approved April 7, 1893.

Chap.173 AN ACT RELATIVE TO NOTICE IN PROCEEDINGS TO ENFORCE LIENS
UPON PERSONAL PROPERTY.

Be it enacted, etc., as follows :

P. S. 192, §26,
amended.

Provision for
case where
owner is un-
known, or
resides out of
the state.

Section twenty-six of chapter one hundred and ninety-two of the Public Statutes is hereby amended by inserting after the word "owner", in the first line thereof, the words:—or the usual place of abode of the owner,—also by inserting after the words "unknown owner", in the third line thereof, the words:—or to the owner, naming him, "whose usual place of abode is unknown",—and also by inserting after the word "or", in the fourth line thereof, the words:—he, or his usual place of abode,—so as to read as follows:—*Section 26.* If the owner, or the usual place of abode of the owner, is unknown, the application may be made sixty days after the money becomes due, and a notice may issue "to the unknown owner," or to the owner, naming him, "whose usual place of abode is unknown", describing the property. If the owner resides out of the Commonwealth, or he, or his usual place of abode, is unknown, notice may be given by a publication of the order in the manner prescribed for the publication of notices in section seven.

Approved April 7, 1893.

Chap.174 AN ACT RELATIVE TO THE INVESTMENT OF DEPOSITS OF SAVINGS
BANKS AND INSTITUTIONS FOR SAVINGS IN BUILDINGS FOR THE
TRANSACTION OF THEIR BUSINESS.

Be it enacted, etc., as follows :

P. S. 116, §20,
amended.

Corporation
building and
site.

SECTION 1. The seventh clause of section twenty of chapter one hundred and sixteen of the Public Statutes is hereby amended by striking out in the first line of said clause, the word "ten", and inserting in place thereof, the word:—five,—so as to read as follows:—Seventh, five per cent. of the deposits of any such corporation, but not exceeding two hundred thousand dollars, may be invested in the purchase of a suitable site and the erection or preparation of a suitable building for the convenient transaction of its business.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1893.

AN ACT TO INCORPORATE THE PRIMITIVE METHODIST CHURCH OF THE UNITED STATES OF AMERICA, EASTERN CONFERENCE. *Chap.175*

Be it enacted, etc., as follows :

SECTION 1. Thomas M. Bateman, John H. Acornly, John Mason, Nathaniel W. Matthews, William Thornton, John W. Fielden, Hargreves Watson, their associates and successors, are hereby made a corporation by the name of the Primitive Methodist Church of the United States of America, Eastern Conference, for the purpose of supporting and maintaining public religious worship according to the faith, usages and discipline of the Primitive Methodist Church in the United States of America.

Primitive Methodist Church of the United States of America, Eastern Conference, incorporated.

SECTION 2. Said corporation may receive and hold by gift, devise or otherwise, real and personal estate to an amount not exceeding five hundred thousand dollars.

May receive and hold property not exceeding \$500,000.

SECTION 3. Said corporation is hereby authorized to hold its meetings in any state included within the limits of the eastern conference, as designated by the discipline of said primitive church in the United States of America.

May hold meetings within limits of eastern conference.

Approved April 7, 1893.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BARNSTABLE TO BORROW MONEY FOR THE PURPOSE OF MAKING ALTERATIONS IN THE COURTHOUSE AT BARNSTABLE. *Chap.176*

Be it enacted, etc., as follows :

SECTION 1. The county commissioners of the county of Barnstable are hereby authorized and empowered to borrow, upon the credit of the county, a sum of money not exceeding nine thousand dollars, for the purpose of enlarging and making necessary alterations in the courthouse situated in the town of Barnstable ; and the indebtedness so incurred shall be discharged within ten years from the date of incurring the same.

May incur indebtedness for enlarging courthouse.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1893.

AN ACT TO PROHIBIT THE USE OF DISTINGUISHING BALLOTS IN THE ELECTION OF MODERATOR AT TOWN ELECTIONS FOR THE CHOICE OF TOWN OFFICERS. *Chap.177*

Be it enacted, etc., as follows :

SECTION 1. In towns in which, at the close of registration preceding the day of the annual election for town officers, there have been registered the names of more

Printing and distribution of distinguishing ballots prohibited, etc.

than five hundred voters, no person shall print any ballot for use at any election of moderator of the meeting for the choice of town officers, or shall distribute at any such election any printed or written ballot containing the name of any candidate for moderator, unless such ballots are of plain white paper in weight not less than ordinary printing paper, and are not more than six nor less than five and a half inches in length, nor more than four nor less than three and a half inches in width; and such ballots shall contain no printing, engraving, device or mark of any kind upon the back thereof. If the same are printed they shall be printed with black ink, on one side of the paper only, and the name of the candidate shall be printed parallel with the longest side of said ballot in capital letters not less than one eighth nor more than one quarter of an inch in height. Nothing herein contained shall authorize the refusal to receive or count any ballots for any want of conformity with the requirements of this section.

Penalty.

SECTION 2. Whoever violates any of the provisions of the preceding section shall be punished by fine not exceeding one hundred dollars or imprisonment in the jail not exceeding sixty days.

SECTION 3. This act shall take effect upon its passage.

Approved April 7, 1893.

Chap. 178 AN ACT TO AUTHORIZE THE CONSTRUCTION OF A PUBLIC HIGHWAY BRIDGE ACROSS THE MONUMENT RIVER IN THE TOWN OF BOURNE.

Be it enacted, etc., as follows:

Construction of
bridge across
Monument river
in the town of
Bourne.

SECTION 1. The county commissioners of the county of Barnstable, whenever the town of Bourne by vote of a majority of the legal voters of said town present and voting at a town meeting duly called for the purpose request them so to do, are hereby authorized and required to lay out and construct, subject to the provisions of chapter nineteen of the Public Statutes, a public highway bridge, with suitable approaches thereto, across the Monument river, so-called, in the town of Bourne, at some convenient point within one thousand feet east or west of the present railroad bridge on the Wood's Holl branch of the Old Colony railroad, and to connect said bridge by suitable highways with such highways as are now laid out in said town of Bourne. Said bridge may be constructed

with or without a draw therein, as the board of harbor and land commissioners shall approve.

SECTION 2. The county commissioners of the county of Barnstable may allow from the treasury of said county, or order to be paid by such town other than the town of Bourne, in said county of Barnstable, if any, as in the opinion of said county commissioners will receive greater benefit than other towns in said county, to said town of Bourne, such sum of money, if any, as they may think just and equitable, to indemnify said town in part for the expense of building the bridge, highways and approaches provided for by this act.

Apportionment of expense of construction, etc.

SECTION 3. Said county or said town of Bourne, and any town required to contribute as aforesaid, may severally borrow upon their note, notes or other obligations such sums as they severally may deem necessary to comply with the provisions of this act.

County and towns may borrow money, etc.

SECTION 4. In case any highway laid out under the provisions of this act shall cross the tracks of said Old Colony Railroad Company, the provisions of all general acts or parts of such acts relating to the abolition of grade crossings shall apply to the highways so laid out.

Provisions of law relating to abolition of grade crossings to apply, etc.

SECTION 5. This act shall take effect upon its passage.

Approved April 7, 1893.

AN ACT RELATIVE TO CERTAIN GRADE CROSSINGS IN THE CITY OF WORCESTER.

Chap. 179

Be it enacted, etc., as follows:

SECTION 1. Chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety and acts amendatory thereof shall not, for the period of five years from and after the passage of this act, apply to any of the grade crossings in the city of Worcester between and including the grade crossing at Garden street and the union station in said city, and between said union station and Worcester junction, so-called.

1890, 428 and amendments not to apply to certain grade crossings for five years.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1893.

AN ACT TO AUTHORIZE THE CITY OF MEDFORD TO CONSTRUCT A SYSTEM OF SEWERAGE AND TO PROVIDE PAYMENT THEREFOR.

Chap. 180

Be it enacted, etc., as follows:

SECTION 1. The city of Medford is hereby authorized, through a board of commissioners to be elected as herein-

May construct a system of sewerage.

after provided, to lay out, construct, maintain and operate a system or systems of main drains and common sewers for a part or the whole of its territory, and such works as may be required for a system of sewage disposal for said city, to be constructed, maintained and operated in connection with the main sewers and other works required to be constructed, maintained and operated, as provided by chapter four hundred thirty-nine of the acts of the year eighteen hundred and eighty-nine.

Commissioners
of sewers,
appointment,
terms of office.

SECTION 2. Said board shall consist of three commissioners, who shall be citizens of said city, to be called the commissioners of sewers of the city of Medford, and shall be appointed by the mayor of said city. They shall hold their office, one for one year, one for two years and one for three years from the first day of February preceding their appointment, and until their respective successors are appointed and qualified; and thereafter in January of each year one person shall be so appointed as a member of such board, who shall hold his office for three years from the first day of the February then next ensuing. All such appointments shall be subject to confirmation or rejection by the board of aldermen.

May take lands,
divert streams,
construct
sewers, etc.

SECTION 3. Said board of commissioners, acting for and in behalf of said city, shall have full power to take by purchase or otherwise any lands, water rights, rights of way or easements in said city, public or private, of any persons or corporations, necessary for the establishment of such system of sewerage and sewage disposal, and may divert streams and water courses, and may construct such sewers under any water course, bridge, railroad, highway or other way, and may enter upon and dig up any private land, street or way, for the purpose of laying such sewers beneath the surface thereof and of maintaining and repairing the same.

A description of
land, etc., taken
to be recorded
in registry of
deeds, etc.

SECTION 4. When lands, rights of way or easements are so taken, in any other manner than by purchase or agreement, said board of commissioners shall within thirty days of said taking cause to be recorded in the registry of deeds for the county of Middlesex, southern district, a description of the same as certain as is required in a conveyance of land, with a statement of the purpose for which the same are taken, signed by a majority of said board; and the fee in the lands, rights of way or easements so taken or purchased shall vest in said city of

Medford, which shall pay all damages therefor out of the appropriation for construction of sewers. If the damages are not agreed upon a jury in the superior court of said county may be had to determine the same, in the same manner as in case of lands taken for highways; but no suit shall be brought after two years from the date of the recording of the taking as herein required.

SECTION 5. In every case of a petition for the assessment of damages or for a jury, said city may at any time file an offer in writing, with the other papers in the case, to pay the petitioner a sum therein specified as damages; and if he does not accept the same within ten days after notice of such offer, and does not finally recover a greater sum than that offered, not including interest from the date of offer on the sum so recovered, the city shall recover costs from said date, and the petitioner, if he recovers damages, shall be entitled to costs only to the date of the offer.

Payment of damages.

SECTION 6. The city council of said city may by vote determine what proportion of the cost of said system of sewerage said city shall pay, provided that it shall not pay less than one third nor more than one half of the whole cost. The remaining cost of said system shall be borne by the owners of estates situated within the territory embraced by it and benefited thereby, but no estate shall be deemed to be benefited unless or until a sewer is constructed into which it can be drained. The owners of such estates shall be assessed by said commissioners their proportional parts respectively of such portion of the total cost of said system as is not borne by the city as above provided. Such proportional parts shall be based upon the estimated average cost of all the sewers composing said system, and shall be assessed by a fixed uniform rate according to the frontage of such estate on any street or way in which a sewer is constructed, or according to the area of such estate within a fixed depth from such street or way, or according to both frontage and area; and every such owner shall, within three months after written notice of such assessment served on him or on the occupants of his estate, or sent by mail to the last address of said owner known to said commissioners, pay the sum so assessed to the city treasurer: *provided*, that said board shall, on the written request of any such owner made within said three months, apportion such assessment into

Tender for damages may be made, etc.

Apportionment of cost of system.

Proviso.

such number of equal parts or instalments, not exceeding five, as said owner shall state in such request; and said board shall certify such apportionment to the assessors of said city, and one of said parts or instalments, with interest from the date of said apportionment at the rate of five per centum per annum, shall be added by the assessors to the annual tax on such estates for each year next ensuing until all said parts have been so added and paid, unless sooner paid as hereinafter provided; and *provided, further*, that nothing herein contained shall be construed to prevent the payment at any time in one payment, notwithstanding its prior apportionment, of any balance of said assessments then remaining unpaid; but interest on such balance at the rate of five per centum per annum shall be paid to the date of such payment; and thereupon the city treasurer shall receive the same and shall certify such payment or payments to the assessors, who shall preserve a record thereof. In cases of corner lots and lots abutting on more than one sewered street the same area shall not be assessed more than once.

Proviso.

Collection of assessment, sale of estate for non-payment, etc.

SECTION 7. An assessment made under section six shall constitute a lien upon the estate, which shall continue for three years after it is made and notice served as above provided, or, in case of apportionment, until the expiration of two years from the time the last instalment is committed to the collector; and said assessment, together with interest at the rate of five per centum per annum, may, with incidental costs and expenses, be levied by sale of such estate or so much thereof as shall be sufficient to discharge the assessment and interest and intervening charges; if the assessment is not paid within three months after service of said notice, or, if apportioned, within three months after any part has become due, such sale and all proceedings connected therewith shall be conducted in the same manner as sales for the non-payment of taxes; and real estate so sold may be redeemed the same as if sold for the non-payment of taxes and in the same manner. Such assessment or parts thereof may also be collected by an action of contract, in the name of the city of Medford against the owner of said estate, brought at any time within three years after the same has become due.

Application for a jury to revise assessment.

SECTION 8. Any person aggrieved by such assessment may, at any time within three months after service of the

notice mentioned in section seven of this act, apply to the superior court of said county for a jury to revise the same, but before making such application he shall give fourteen days' notice in writing of his intention so to do to the said commissioners, and shall therein particularly specify his objection to the assessment, to which specification he shall be confined before the jury.

SECTION 9. The city of Medford, for the purpose of paying the necessary expenses and liabilities incurred under this act, may incur indebtedness and may issue from time to time as may be required therefor, bonds, notes or scrip to an amount not exceeding three hundred and fifty thousand dollars, and the debt and loan authorized by this act and the notes, bonds or scrip issued therefor shall not be considered or reckoned in determining the authorized limit of indebtedness of said city under the provisions of section four of chapter twenty-nine of the Public Statutes and of acts in amendment thereof or supplementary thereto. Such bonds, notes or scrip shall bear on their face the words, Medford Sewerage Loan, shall be payable within such periods not exceeding thirty years from the issuing of such bonds, notes or scrip respectively, and shall bear interest payable semi-annually at such rate, not exceeding five per centum per annum, as the city council of said city of Medford may determine. Said bonds, notes or scrip shall be signed by the mayor and the treasurer of said city and shall be countersigned by its auditor. The said city may sell such securities or any part thereof from time to time at public or private sale, provided that they shall not be sold for less than the par value thereof; the proceeds thereof shall be retained in the treasury, and the treasurer shall pay therefrom the expenses incurred for the purposes aforesaid, but the premiums, if any, received on the sale thereof, shall be paid over to the board of sinking fund commissioners and be placed in the sinking fund of said city created for the payment of the loan herein authorized.

Medford Sewerage Loan.

SECTION 10. The receipts from annual rates, assessments, and payments made in lieu thereof under this act, shall, after deducting all charges and expenses for and incident to the maintenance and operation of said system, be applied first to the payment of interest upon said bonds, notes or scrip issued under authority of this act, and the balance shall be set apart to meet the require-

Payment of sewerage loan; sinking fund.

ments of the sinking fund for the payment and redemption of said bonds, notes or scrip, as provided in section nine of chapter twenty-nine of the Public Statutes. If the surplus net income from said rates, assessments and payments made in lieu thereof, shall in any year be insufficient to pay the interest on said bonds, notes or scrip, and to meet the requirements of law as to said sinking fund, as hereinbefore provided, then, in such case, said city, to meet said deficiency, shall raise forthwith by taxation, in the same manner as money is appropriated and assessed for other city purposes, such sum as will, together with said net income, be sufficient to meet said requirements of law; said sinking fund shall be used for no other purpose than the payment and redemption of said debt. Except as herein otherwise provided the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall, so far as applicable, apply to the issue of such bonds, notes or scrip, and to the establishment of a sinking fund for the payment thereof at maturity. If in any year said surplus net income shall be in excess of the sum necessary to meet the requirements of the sinking fund for said year, the surplus, together with any other amounts appropriated from time to time by said city for the payment of said principal sums, shall be added to said sinking fund or be applied to the reduction of the principal of said debt, either by purchase and retirement of a portion of said outstanding indebtedness or by the payment of the same at maturity. All notes, bonds or scrip of said city purchased for redemption or retirement under this act shall be cancelled.

P. S. 29; 1884,
129 to apply.

Clerk and super-
intendent,
appointment and
compensation.

SECTION 11. Said board of commissioners shall annually appoint a clerk, and may appoint, but not from their own number, a superintendent of sewers, and may remove said clerk and superintendent at their pleasure. The compensation of said clerk and superintendent and of said commissioners shall be fixed by the city council.

Contracts.

SECTION 12. All contracts made by said board of commissioners for the purposes of this act shall be the contracts of said city, and shall be signed by the mayor, but no contract shall be made by said commissioners which requires an expenditure of money until an appropriation has been made of the moneys to be expended for the

purposes to be accomplished by such contract, nor in excess of such appropriation; and said board of commissioners shall at all times be accountable for the proper discharge of their duties to the mayor, as the chief executive officer of the city, and shall make such reports to him as he may require from time to time for his own information or for the information of the city council.

Commissioners to be accountable to the mayor, etc.

SECTION 13. Said board of commissioners may prescribe rules and regulations for the inspection of materials, construction, alteration or use of all sewers or drains entering into such main sewers, and may impose penalties, not exceeding twenty dollars, for each violation of any such rule or regulation. Such rules or regulations shall be published not less than once a week in some newspaper of said city of Medford and shall not take effect until such publication has been made.

Rules, regulations and penalties.

SECTION 14. The provisions of chapter fifty of the Public Statutes and of acts in amendment thereof, so far as applicable and not inconsistent with this act, shall apply to the city of Medford in carrying out the provisions of this act.

P. S. 50, and amendments, to apply.

SECTION 15. This act shall take effect upon its passage.

Approved April 11, 1893.

AN ACT TO AUTHORIZE THE LEICESTER WATER SUPPLY DISTRICT TO CONSTRUCT AND MAINTAIN A SYSTEM OF SEWERAGE AND DRAINAGE.

Chap. 181

Be it enacted, etc., as follows:

SECTION 1. The Leicester Water Supply District in the town of Leicester is hereby granted the same authority to construct and maintain a system of sewerage and drainage within the limits of said district that cities and towns now have by law; and the provisions of chapter fifty of the Public Statutes relating to sewers and drains, and chapter two hundred and forty-five of the acts of the year eighteen hundred and ninety-two and acts in amendment thereof, shall so far as applicable apply to said district. The authority of the town of Leicester to construct sewers and drains within the limits of said district shall be suspended while this act is in force.

District may construct a system of sewerage.

Authority of towns suspended.

SECTION 2. The water commissioners of said district shall have the same power and authority in relation to sewers and drains within the limits of said district as are

Commissioners, power, authority and compensation.

given by law to the selectmen or road commissioners of towns. They shall receive such compensation for their services as may be determined by a vote of said district, and a majority of them shall constitute a quorum for the transaction of business.

Payment of expenses of construction and maintenance.

SECTION 3. Said district may, at a meeting called for the purpose, vote to raise by taxation, or borrow money to carry out the provisions of this act, subject to the restrictions and limitations imposed by law upon towns; and all money so raised or borrowed shall be expended by said board for the purposes prescribed by the vote of the district. No money shall be drawn from the district treasury except by a written order of said commissioners or a majority of them.

Assessment, collection and payment of amount raised by taxation.

SECTION 4. The clerk of said district shall, on or before the first day of May in each year, certify to the assessors of the town of Leicester all sums voted to be raised by taxation by the district during the year last preceding, under the provisions of this act, which sums shall be assessed and collected by the officers of said town in the same manner as town taxes are assessed and collected, and shall be paid over to the treasurer of said district, who shall hold the same subject to the order of said board.

Commissioners to construct and maintain sewers, etc.; may take land.

SECTION 5. Said board of commissioners shall, subject to the direction of said district, lay, make and maintain therein all such sewers, drains and sewage disposal works as they adjudge to be necessary for the public convenience or the public health; and for these purposes said district may take, by purchase or otherwise, as hereinafter provided, any land in the town of Leicester which in the opinion of said board may be necessary therefor: *provided, however*, that any system or systems of sewerage, drainage or sewage disposal constructed under the provisions of this act shall be in general accordance with some plan or plans approved by the state board of health; and no land shall be taken for sewage disposal purposes without the approval of said board.

Proviso.

A description of land taken to be recorded in registry of deeds, etc.

SECTION 6. Whenever land is taken by virtue of the provisions of the preceding section, said district shall, within sixty days after such taking, file and cause to be recorded in the registry of deeds for the Worcester district a description thereof sufficiently accurate for identification, with a statement of the purpose for which it is taken, signed by said commissioners or a majority of them; and

all lands so taken for the purposes mentioned in said statement shall vest in said district and its successors. Damages for land so taken shall be paid by said district; and any person aggrieved by the taking of his land under this act, and failing to agree with said board as to the amount of his damages, may, upon petition to the county commissioners of the county of Worcester within two years from the filing of the description thereof in the registry of deeds, have his damages assessed and determined in the manner provided when land is taken for highways.

Damages.

SECTION 7. Said board shall keep maps and plans of all sewers and drains constructed by them in said district, and on the completion of any sewer or drain shall ascertain and certify the whole expense of the same and cause a record thereof to be made and kept. They may then assess the estates benefited thereby in the manner provided in chapter fifty of the Public Statutes and chapter two hundred and forty-five of the acts of the year eighteen hundred and ninety-two and acts in amendment thereof. Said assessments shall be collected by the treasurer of the district in the same manner as taxes upon real estate.

Maps, plans and records to be kept.

SECTION 8. All sewers and drains constructed by said board shall be the property of said district, and shall be under the charge and control of said board, who shall have authority to regulate the use of the same and to prescribe the mode in which the same shall be entered by particular sewers from lands which have been assessed for the expense of their construction. No person shall be allowed to enter or discharge into a public sewer or drain any particular sewer connecting any land which has not been assessed for the expense of the construction of such sewer or drain, except by leave of said board and on payment of such compensation as they shall determine. All such particular sewers entering any public sewer or drain shall be under the exclusive charge and control of said board, who shall have authority to make and execute orders concerning the same as if the same were constructed by said board under this act.

Estates benefited to be assessed, etc.

Commissioners to have charge and control of sewers, etc.

SECTION 9. This act shall take effect whenever the same shall have been approved and adopted by a majority of the legal voters of said district present and voting at a meeting duly called for that purpose.

To take effect upon adoption.

Approved April 11, 1893.

Chap.182 AN ACT TO LEGALIZE THE ORGANIZATION AND PROCEEDINGS OF THE TRUSTEES OF DAVIS CENTENARY METHODIST EPISCOPAL SOCIETY OF ATTLEBOROUGH.

Be it enacted, etc., as follows:

Organization and subsequent proceedings legalized.

SECTION 1. The corporate organization of the Trustees of Davis Centenary Methodist Episcopal Society of Attleborough shall not be void by reason of the omission of the secretary to leave an attested copy of the record of the proceedings at such organization with the town clerk, as required by section forty-six of chapter thirty of the General Statutes, now section forty-seven of chapter thirty-eight of the Public Statutes; and said organization, and also the subsequent proceedings of the corporation, so far as they appear upon the records of said corporation and are not otherwise illegal, are hereby ratified and confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1893.

Chap.183 AN ACT RELATING TO THE TAKING OF LOBSTERS.

Be it enacted, etc., as follows:

Penalty on non-residents for taking lobsters, etc.

SECTION 1. Whoever, not being at the time an inhabitant of this Commonwealth, sets or keeps or causes to be set or kept in any of the waters of this Commonwealth any pot, net or trap for the catching of lobsters, shall forfeit twenty dollars for each offence, one half to the use of the complainant and one half to the use of the Commonwealth.

SECTION 2. Chapter four hundred and three of the acts of the year eighteen hundred and ninety-two is hereby repealed.

Approved April 11, 1893.

Chap.184 AN ACT TO EXTEND THE TIME FOR THE CONSTRUCTION OF THE FALL RIVER ELECTRIC FREIGHT RAILWAY.

Be it enacted, etc., as follows:

Time extended for construction of road.

SECTION 1. The time within which the Fall River Electric Freight Railway Company may begin and complete the construction of its road, as authorized in chapter one hundred and twenty-six of the acts of the year eighteen hundred and ninety-one, is hereby extended to the first day of July in the year eighteen hundred and

ninety-five; and all the rights, powers, privileges and franchises possessed by said company shall continue to be possessed by it in the same manner and with the same effect as if its railway had been constructed and completed within the time prescribed by law.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1893.

AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Chap. 185

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and for other expenses authorized by law, to wit:—

Appropriations.

For printing additional copies of the report of the commissioners of savings banks, as provided for by chapter seventy of the acts of the present year, a sum not exceeding two hundred dollars.

Commissioners of savings banks, report.

For the construction of a public sewer in the city of Waltham, to the line of land of the Massachusetts school for the feeble-minded, in the said city, and for the use of said school, a sum not exceeding eighteen thousand dollars, as provided for in chapter eighty-three of the acts of the present year.

Massachusetts school for feeble-minded, sewerage.

For salary and expenses of the fire marshal of the city of Boston, as provided for in chapter three hundred and fifty-four of the acts of the year eighteen hundred and eighty-six, the sum of ten thousand five hundred ninety-two dollars and sixty-four cents, which amount is payable to the treasurer of the city of Boston.

Fire marshal.

The appropriation for the support and relief of state paupers in state lunatic hospitals and asylums of the Commonwealth, authorized by chapter thirty-three of the acts of the present year, is hereby made applicable for the support and relief of state paupers in the Massachusetts hospital for dipsomaniacs and inebriates, at Foxborough.

State paupers in hospital for dipsomaniacs and inebriates.

For small items of expenditure for which no appropriations have been made, or for which appropriations have been exhausted or reverted to the treasury in previous years, a sum not exceeding one thousand dollars.

Small items of expenditure.

Margaret Murphy.

For Margaret Murphy, the sum of two hundred thirty-seven dollars and sixty-three cents, as authorized by chapter thirteen of the resolves of the present year.

Gypsy moth.

For printing the special report of the state board of agriculture, on the work of the extermination of the oceria dispar or gypsy moth, a sum not exceeding three hundred dollars, as authorized by chapter fifteen of the resolves of the present year.

Lemuel Burr.

For Lemuel Burr, the sum of one hundred and fifty dollars, as authorized by chapter seventeen of the resolves of the present year.

Metropolitan park commission, report.

For printing the report of the metropolitan park commission, as authorized by chapter eighteen of the resolves of the present year, a sum not exceeding fourteen hundred dollars.

Normal art school building.

For completing certain changes in the normal art school building, a sum not exceeding twelve hundred dollars, as authorized by chapter nineteen of the resolves of the present year.

James F. Conway.

For James F. Conway, the sum of one hundred and eight dollars, as authorized by chapter twenty of the resolves of the present year.

Cavanaugh brothers.

For Cavanaugh brothers, the sum of seventy-five dollars, as authorized by chapter twenty-one of the resolves of the present year.

Courts of probate and insolvency.

For making new forms and rules regulating the practice and for conducting business in the courts of probate and insolvency, a sum not exceeding one thousand dollars, as authorized by chapter twenty-three of the resolves of the present year.

Board of arbitration and conciliation, report.

For printing additional copies of the first and fourth annual report of the state board of arbitration and conciliation, as authorized by chapter twenty-four of the resolves of the present year, a sum not exceeding one hundred dollars.

Index to reports of board of agriculture.

For printing and distributing a synoptical and analytical index to the annual volumes of the agriculture of Massachusetts, as authorized by chapter twenty-five of the resolves of the present year, a sum not exceeding fourteen hundred dollars.

Report on revision of laws relating to taxation.

For printing one thousand copies of the report of the commissioners appointed to inquire into the expediency of revising and amending the laws relating to taxation and exemption therefrom, made to the general court in the year

eighteen hundred and seventy-five, as authorized by chapter twenty-seven of the resolves of the present year, a sum not exceeding nine hundred and twenty-five dollars.

For the estate of Asa Smith, the sum of seven hundred and seventy dollars, as authorized by chapter twenty-eight of the resolves of the present year.

Estate of Asa Smith.

For the widow of Henry J. Jennings, the sum of seven hundred and fifty-nine dollars, as authorized by chapter twenty-nine of the resolves of the present year.

Widow of Henry J. Jennings.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1893.

AN ACT TO AUTHORIZE CITIES TO INDEMNIFY PERSONS REQUIRED TO ASSIST POLICE OFFICERS IN THE DISCHARGE OF THEIR DUTIES FOR INJURIES RECEIVED OR EXPENSES INCURRED WHILE ASSISTING SUCH OFFICERS.

Chap. 186

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter three hundred and seventy-nine of the acts of the year eighteen hundred and eighty-eight is hereby amended by inserting after the word "officer", in the fifth line of said section, the words: — or any person required to assist police officers in the discharge of their duties, — so as to read as follows: — *Section 1.* Any city may, in its discretion, to an amount not exceeding the amount which may be recommended by the board or officer having the power to appoint police officers in such city, indemnify a police officer or any person required to assist police officers in the discharge of their duties, for any expenses or damages hitherto or hereafter by him sustained while acting as a police officer, or incurred in the defence or settlement of any suit brought against him for acts done while so acting.

1888, 379, §1, amended.

Cities may indemnify police officers and persons assisting them, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1893.

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Chap. 187

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes

Appropriations.

specified in certain acts and resolves of the present year, and for other expenses authorized by law, to wit :—

Torrens system
of land transfer.

For compensation and expenses of a commission to draft an act embodying the principles of the Torrens system of land transfer, as authorized by chapter one hundred of the acts of the present year, a sum not exceeding five thousand dollars.

Third clerk in
secretary's
office.

For the salary of the third clerk in the office of the secretary of the Commonwealth, the sum of three hundred dollars, as authorized by chapter one hundred and three of the acts of the present year, being in addition to the fifteen hundred dollars appropriated by chapter eight of the acts of the present year.

Assistant regis-
ter of probate
and insolvency,
Franklin.

For the salary of an assistant register of probate and insolvency for the county of Franklin, a sum not exceeding three hundred and fifty dollars, as authorized by chapter one hundred and fifty-one of the acts of the present year.

Second clerk of
secretary of
board of agri-
culture.

For the salary of the second clerk of the secretary of the state board of agriculture, the sum of two hundred dollars, as authorized by chapter one hundred and thirty of the acts of the present year, being in addition to the one thousand dollars appropriated by chapter eight of the acts of the present year.

Report on exter-
mination of
gypsy moth.

For printing the special report of the state board of agriculture on the work of the extermination of the ocneria dispar or gypsy moth, the sum of fifty-eight dollars and seventy-three cents, as authorized by chapter fifteen of the resolves of the present year, being in addition to the amount heretofore appropriated.

Preservation of
state records
and papers.

For the arrangement and preservation of state records and papers under the direction of the secretary of the Commonwealth, a sum not exceeding twenty-five hundred dollars, as authorized by chapter thirty of the resolves of the present year.

Indexes to regis-
tration returns.

For providing indexes to the registration returns, a sum not exceeding ten thousand dollars, as authorized by chapter thirty-one of the resolves of the present year.

Index to certifi-
cates of corpo-
rations.

For providing an index to the certificates of corporations filed in the office of the secretary of the Commonwealth, a sum not exceeding twelve hundred dollars, as authorized by chapter thirty-two of the resolves of the present year.

Revolutionary
rolls.

For the purchase of certain revolutionary rolls, a sum

not exceeding two hundred dollars, as authorized by chapter thirty-three of the resolves of the present year.

For a new hospital and for reimbursement for expenditures for furniture and machinery at the Massachusetts school for the feeble-minded, a sum not exceeding twenty thousand five hundred dollars, as authorized by chapter thirty-four of the resolves of the present year.

Massachusetts school for feeble-minded.

For certain inhabitants of the town of Gosnold, the sum of thirty-five hundred dollars, as authorized by chapter thirty-six of the resolves of the present year.

Inhabitants of Gosnold.

For the construction of sewers at the Massachusetts school for the feeble-minded, a sum not exceeding one thousand dollars, as authorized by chapter thirty-seven of the resolves of the present year.

Massachusetts school for the feeble-minded.

For the Massachusetts charitable eye and ear infirmary, a sum not exceeding twenty thousand dollars, as authorized by chapter thirty-eight of the resolves of the present year.

Massachusetts charitable eye and ear infirmary.

For the purpose of exhibiting the arts, industries, institutions, resources, products and general development of the Commonwealth, at the world's Columbian exposition at Chicago, a sum not exceeding twenty-five thousand dollars, as authorized by chapter thirty-nine of the resolves of the present year.

World's Columbian exposition.

For providing against depredations by the insect known as the oceria dispar or gypsy moth, a sum not exceeding one hundred thousand dollars, as authorized by chapter forty of the resolves of the present year.

Gypsy moth.

For Mary E. Daniels, the sum of forty-eight dollars, as authorized by chapter forty-one of the resolves of the present year.

Mary E. Daniels.

For Henry C. Greeley, the sum of forty-nine dollars and two cents, as authorized by chapter forty-two of the resolves of the present year.

Henry C. Greeley.

For providing concrete walks at the state industrial school for girls, a sum not exceeding five hundred dollars, as authorized by chapter forty-three of the resolves of the present year.

State industrial school for girls.

For Thomas P. Higgins, the sum of seventy-five dollars, as authorized by chapter forty-four of the resolves of the present year.

Thomas P. Higgins.

For printing the report of the commission to improve the highways of this Commonwealth, as authorized by chapter forty-five of the resolves of the present year, a sum not exceeding twelve hundred dollars.

Report of highway commission.

Abandoned
farms.

For providing for the collection and circulation of information relating to abandoned farms, a sum not exceeding one thousand dollars, as authorized by chapter forty-six of the resolves of the present year.

State almshouse.

For providing for certain repairs and improvements at the state almshouse at Tewksbury, a sum not exceeding thirty-nine thousand two hundred dollars, as authorized by chapter forty-seven of the resolves of the present year.

State farm.

For providing for certain repairs and improvements at the state farm at Bridgewater, a sum not exceeding fifty thousand dollars, as authorized by chapter forty-eight of the resolves of the present year.

Indexing names
of soldiers.

For indexing the names of soldiers of the war of the rebellion in the office of the adjutant general, a sum not exceeding four hundred and seventy-five dollars, as authorized by chapter forty-nine of the resolves of the present year, being in addition to the amount heretofore appropriated.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1893.

Chap. 188 AN ACT TO AUTHORIZE THE CITY OF SOMERVILLE TO LAY OUT
AND MAINTAIN A PUBLIC PARK.

Be it enacted, etc., as follows:

May take land
for a public
park.

SECTION 1. The city of Somerville by its city council may, at any time within three years after the passage of this act, take, maintain and hold, in fee or otherwise, and by gift, upon such conditions as the city council may deem advisable, or by purchase or otherwise, for the purpose of a public park, Wyatt's pit, so-called, located in ward two of said city and near to and southerly of Washington street, and near to and southwesterly of the Fitchburg railroad, and so much as said city council shall from time to time deem advisable, of the lands comprised within said Wyatt's pit, or adjacent thereto or in the vicinity thereof, and comprised within the tract containing one hundred fifty-four thousand four hundred square feet, more or less, now or formerly owned by the North Packing and Provision Company and Charles Linehan, and within the tract containing two hundred thirty-six thousand three hundred and ninety square feet, more or less, and formerly owned by Daniel A. Sanborn and known as the Sanborn field.

SECTION 2. The said city shall, within sixty days after the taking of any lands as aforesaid, otherwise than by purchase or gift, file and cause to be recorded in the registry of deeds for the southern district of the county of Middlesex, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, which statement shall be signed by the mayor.

To cause to be recorded in the registry of deeds a description of land taken.

SECTION 3. The said city shall pay all damages sustained by any person or corporation in property by the taking of any lands or by any other thing done by said city under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said city as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of two years from the taking of such land or other property, or the doing of such other injury under the authority of this act.

Damages.

SECTION 4. No money shall be appropriated at any time for the taking, purchasing, laying out or maintaining of said park, except upon a two thirds vote of each branch of the city council, taken by yea and nay.

Money not to be appropriated except upon two thirds vote of city council.

SECTION 5. This act, except as provided in the following section, shall not take effect unless accepted by said city of Somerville upon a majority vote of each branch of the city council, taken by yea and nay.

To take effect upon acceptance.

SECTION 6. So much of this act as authorizes the submission of the question of its acceptance to the city council of Somerville shall take effect upon its passage.

Submission of question of acceptance.

Approved April 12, 1893.

AN ACT RELATING TO THE PRESERVATION OF BIRDS AND GAME. *Chap. 189*

Be it enacted, etc., as follows:

Section one of chapter one hundred and forty-two of the acts of the year eighteen hundred and ninety-one is hereby amended by inserting after the word "September", in the eighth line of said section, the following words: — and whoever buys, sells or has in his possession any of the birds named in this act and protected thereby, during the time within which the taking or killing thereof is prohibited, whenever or wherever the aforesaid birds

1891, 142, amended.

Taking, killing or dealing in certain birds. Penalty.

may have been taken or killed, — and by adding at the end of said section the words :— or had in possession, — so as to read as follows :— *Section 1.* Whoever takes or kills a pinnated grouse at any time, or a woodcock, or a ruffed grouse, commonly called a partridge, between the first day of January and the fifteenth day of September, or a quail between the first day of January and the fifteenth day of October, or a wood or summer duck, black duck or teal, or any of the so-called duck species, between the fifteenth day of April and the first day of September, and whoever buys, sells or has in his possession any of the birds named in this act and protected thereby, during the time within which the taking or killing thereof is prohibited, whenever or wherever the aforesaid birds may have been taken or killed, shall be punished by a fine of twenty dollars for every bird so taken or killed, or had in possession.

Approved April 12, 1893.

Chap.190 AN ACT TO ESTABLISH THE SALARY OF THE FIRST ASSISTANT CLERK OF THE SUPERIOR COURT FOR CIVIL BUSINESS IN THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows :

Salary established.

SECTION 1. The salary of the first assistant clerk of the superior court for civil business in the county of Suffolk shall be three thousand dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-three.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1893.

Chap.191 AN ACT RELATING TO REPRINTING THE LIST OF CHANGES OF NAMES.

Be it enacted, etc., as follows :

List of changes of names to be printed.

SECTION 1. The secretary of the Commonwealth shall cause to be electrotyped and printed the list of persons whose names have been changed, as printed under chapter two hundred and forty-nine of the acts of the year eighteen hundred and eighty-four, with additions bringing such list and index to the close of the year eighteen hundred and ninety-two.

Distribution and sale.

SECTION 2. One thousand copies thereof shall be printed and distributed in the manner prescribed in said act ; and said secretary shall thereafter cause to be printed

from time to time, as required, editions of five hundred copies each, to be sold at cost, the proceeds to be paid into the treasury of the Commonwealth.

Approved April 12, 1893.

AN ACT RELATING TO LOANS OF THE CITY OF BOSTON.

Chap.192

Be it enacted, etc., as follows:

SECTION 1. The city auditor and city treasurer of the city of Boston may, when so directed by the mayor of said city, use for any appropriation to be met by a loan, any funds in the city treasury raised by loan, whether under authority of any general or any special act; the amount so used to be replaced before the close of the financial year of said city, from funds raised as provided by law for meeting the appropriations for which such amount was used.

Certain funds may be used for appropriations to be met by law, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1893.

AN ACT TO ESTABLISH THE SALARY OF THE FIRST CLERK IN THE OFFICE OF THE ADJUTANT GENERAL.

Chap.193

Be it enacted, etc., as follows:

SECTION 1. The salary of the first clerk in the office of the adjutant general shall be two thousand two hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-three.

Salary established.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1893.

AN ACT RELATIVE TO DECREES OF DIVORCE.

Chap.194

Be it enacted, etc., as follows:

SECTION 1. Section nineteen of chapter one hundred and forty-six of the Public Statutes as amended by section one of chapter two hundred and twenty-three of the acts of the year eighteen hundred and eighty-two is hereby amended by striking out in the fourth, fifth, sixth and seventh lines of said section, the words "without further notice thereof by publication or otherwise, on application of either party to the court, or any justice thereof, in term time or vacation; and on such application the court or justice shall make", and inserting in place thereof the

P. S. 146, §19; 1882, 223, §1, amended.

Decrees of divorce to be made nisi, to become absolute after six months, etc.

words:—and thereupon the clerk shall enter,—so as to read as follows:—*Section 19.* All decrees of divorce shall in the first instance be decrees nisi, to become absolute after the expiration of six months from the entry thereof, and thereupon the clerk shall enter a final decree, unless the court has for sufficient cause, on application of any party interested, otherwise ordered.

To take effect May 1, 1893.

SECTION 2. This act shall take effect on the first day of May in the year eighteen hundred and ninety-three.

Approved April 12, 1893.

Chap.195 AN ACT TO INCORPORATE THE SHARON IMPROVEMENT AND LITERARY ASSOCIATION.

Be it enacted, etc., as follows:

Sharon Improvement and Literary Association incorporated.

SECTION 1. George B. Fowler, William R. Mann, George Kempton, Edmund H. Talbot, Emma M. Bowman, Dora M. Leonard, Edna R. Harper, Fannie E. Gates, their associates and successors, are hereby made a corporation by the name of the Sharon Improvement and Literary Association, for the purpose of beautifying and ornamenting the public streets, highways and squares for the use of the public, in and advancing the educational interests of the inhabitants of, the town of Sharon; and said corporation shall have all the powers and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

May hold property, exempt from taxation, not exceeding \$10,000.

SECTION 2. Said corporation shall have authority to receive, take, hold and invest any gifts, grants, donations or bequests, for the uses and purposes of its organization, and for these uses and purposes may hold real and personal estate to be exempt from taxation to an amount not exceeding ten thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved April 13, 1893.

Chap.196 AN ACT TO INCORPORATE THE CITY SAVINGS BANK OF PITTSFIELD.

Be it enacted, etc., as follows:

City Savings Bank of Pittsfield incorporated.

SECTION 1. Andrew J. Waterman, Oliver W. Robbins, Richard A. Burget, Francis W. Rockwell, Charles E. Hibbard, Benjamin M. England, William M. Mercer, Hiram B. Wellington, John S. Wolfe, Jacob Gimleck, Arthur A. Mills, W. Fellows Gale, Arthur W. Plumb, Edgar P.

Wood, Arthur W. Eaton, Henry R. Pierson, their associates and successors, are hereby made a corporation by the name of the City Savings Bank of Pittsfield, with authority to establish and maintain a savings bank in the city of Pittsfield: with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to savings banks and institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1893.

AN ACT EXTENDING TO TOWNS THE PROVISIONS OF LAW REQUIRING CITIES TO PLACE THEIR PAUPER CHILDREN IN FAMILIES OR ASYLUMS.

Chap. 197

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter eighty-four of the Public Statutes is hereby amended by inserting in the first line, after the word "city", the words:— and town,—and by inserting in the fourth line, after the word "city", the words:—or town,—so as to read as follows:—*Section 3.* In every city and town, said overseers shall place every pauper child in their charge, and over four years of age, in some respectable family in the state, or in some asylum therein, to be supported there by the city or town, according to the laws relating to the support of the poor, until they can be otherwise cared for. And the overseers shall visit such children, personally or by agent, at least once in three months, and make all needful inquiries as to their treatment or welfare.

P. S. 84, §3,
amended.

Overseers of the poor to place certain pauper children in families or asylums, etc.

SECTION 2. Section one of chapter four hundred and one of the acts of the year eighteen hundred and eighty-seven is hereby amended by inserting in the second line, after the word "Boston", the words:— or of any town,—also by inserting in the tenth line, after the word "city", the words:— or town,— so as to read as follows:—*Section 1.* Whenever the overseers of the poor of any city except the city of Boston, or of any town, fail to place out according to the provisions of section three of chapter eighty-four of the Public Statutes any pauper child in their charge for two months from the date of their receiving of such child, then the authority vested in said overseers under said section three may be exercised by

1887, 401, §1,
amended.

Board of lunacy and charity may exercise authority of overseers of the poor, etc.

the state board of lunacy and charity, to the exclusion of said overseers, and under the authority of the state board of lunacy and charity such child shall be supported by the city or town in the same manner as if placed out by its overseers of the poor, and shall be subject to the visitation of the said state board of lunacy and charity, its officers or agents, until the said state board of lunacy and charity shall be furnished with evidence satisfactory to said board that the overseers will properly care for such child in accordance with the provisions of said section three.

SECTION 3. This act shall take effect upon its passage.

Approved April 13, 1893.

Chap.198 AN ACT TO AUTHORIZE THE TOWN OF WINTHROP TO ESTABLISH A GRADE FOR CELLARS.

Be it enacted, etc., as follows :

May establish a grade for cellars, etc.

SECTION 1. The selectmen of the town of Winthrop, when authorized so to do by a vote of said town at a meeting legally held, shall establish in said town a cellar grade of not less than thirteen feet above mean low water ; and no person after such grade is established shall construct in said town any cellar or basement cellar of any building below such grade, or use or occupy any cellar or basement cellar so constructed : *provided*, that the selectmen may, by license subject to revocation at any time by them, authorize cellars to be constructed or used in buildings used exclusively for storage or business purposes so much below said grade as they shall designate in each license.

Proviso.

Owners and occupants to comply ; powers and duties of town officers, etc.

SECTION 2. If any person constructs or uses any cellar or basement cellar in violation of this act, said selectmen shall order the owner or occupant of such cellar or basement cellar to so alter and construct the same as to conform to the requirements of this act ; and if such owner or occupant shall fail to comply with such order within ten days after service thereof, as provided by the following section, said selectmen shall so alter or cause to be altered such cellar or basement cellar ; and all necessary expenses incurred thereby shall constitute a lien upon the land wherein such cellar or basement cellar is constructed, and upon the buildings upon such land, and may be collected in the manner provided by law for the collection of taxes upon real estate ; and the town treasurer, in behalf of said town, may purchase such land, or land and buildings, at any sale thereof for the enforcement of such lien.

SECTION 3. All orders under the preceding section shall be made in writing, and served upon said owners or occupants or their authorized agents as prescribed by section twenty-two of chapter eighty of the Public Statutes for the service of orders of boards of health; and the superior court or any justice thereof, in term time or vacation, may, by injunction or other suitable process in equity, restrain any person or corporation from constructing or using any cellar or basement cellar in violation of the provisions of this act, and may enforce such provisions and may order and enforce the abatement or alteration of any cellar or basement cellar constructed or used in violation thereof, so that such cellars shall be in accordance with such provisions.

Written orders to be served, etc.

Provisions may be enforced by injunction, etc.

Approved April 13, 1893.

AN ACT RELATIVE TO THE ERECTION AND CONSTRUCTION OF CERTAIN BUILDINGS.

Chap. 199

Be it enacted, etc., as follows :

SECTION 1. Section one of chapter three hundred and sixteen of the acts of the year eighteen hundred and eighty-eight is hereby amended by inserting after the word "city", in the twentieth line of said section, the following words: — by the person causing the erection or construction of such building, or by the architect who has drawn such plans, which plans shall include therein the system or method of ventilation provided for such building, — so as to read as follows: — *Section 1.* No building designed to be used, in whole or in part, as a public building, public or private institution, schoolhouse, church, theatre, public hall, place of assemblage or place of public resort, and no building more than two stories in height designed to be used above the second story, in whole or in part, as a factory, workshop or mercantile or other establishment, and having accommodations for ten or more employees above said story, and no building more than two stories in height designed to be used above the second story, in whole or in part, as a hotel, family hotel, apartment house, boarding house, lodging house or tenement house, and having ten or more rooms above said story, shall hereafter be erected, unless in process of erection at the date of the passage of this act, until a copy of the plans of such building has been deposited with the inspector of factories and public buildings for the district in which such building is to be located, if outside of the city of Boston, or

1888, 316, §1, amended.

Erection and construction of certain buildings.

Copy of plans to be deposited with the inspector of buildings, etc.

Powers and
duties of in-
spectors, etc.

with the inspector of buildings of the city of Boston, if within said city, by the person causing the erection or construction of such building, or by the architect who has drawn such plans, which plans shall include therein the system or method of ventilation provided for such building, together with a copy of such portion of the specifications of such building as such inspector may require, nor shall any such building be so erected without the provision of sufficient ways of egress and other means of escape from fire, properly located and constructed; the certificate of the inspector above-named endorsed, if the building is to be located outside of the city of Boston, with the approval of the chief of the district police force, shall be conclusive evidence of a compliance with the provisions of this act, provided that after the granting of such certificate no change is made in the plans or specifications of such ways of egress and means of escape unless a new certificate is obtained therefor. Such inspector may require that proper fire stops shall be provided in the floors, walls and partitions of such buildings, and may make such further requirements as may be necessary or proper to prevent the spread of fire therein or its communication from any steam boiler or heating apparatus; and no pipe for conveying hot air or steam in such building shall be placed nearer than one inch to any woodwork unless protected to the satisfaction of such inspector by suitable guards or casings of incombustible material, and no wooden flue or air duct for heating or ventilating purposes shall be placed in any such building.

1888, 316, §2,
amended.

Erection or
construction of
building may be
enjoined, etc.
Penalty.

SECTION 2. Section two of said chapter is hereby amended by inserting after the word "building", in the second line of said section, the following words: — or any architect or other person who shall draw plans or specifications, or superintend the erection or construction of a building, — so as to read as follows: — *Section 2.* Any person erecting or constructing a building, or any architect or other person who shall draw plans or specifications, or superintend the erection or construction of a building, in violation of the provisions of this act shall be punished by fine of not less than fifty nor more than one thousand dollars, and such erection or construction may be enjoined in a proceeding to be had before the superior or supreme judicial court at the instance of the inspector above-named, and upon the filing of a petition for such injunction any

justice of the court in which such proceeding is pending may issue a temporary injunction or restraining order, as provided in proceedings in equity.

Approved April 15, 1893.

AN ACT RELATING TO SUPERINTENDENTS OF PUBLIC SCHOOLS FOR
SMALL TOWNS.

Chap. 200

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter four hundred and thirty-one of the acts of the year eighteen hundred and eighty-eight is hereby amended by striking out in the fourth line, the word "thirty", and inserting in place thereof the word: — twenty-five, — so as to read as follows: — *Section 1.* Any two or more towns the valuation of each of which does not exceed two million five hundred thousand dollars, and the aggregate number of schools in all of which is not more than fifty nor less than twenty-five, may, by vote of the several towns, unite for the purpose of the employment of a superintendent of schools under the provisions of this act.

1888, 431, §1,
amended.

Certain towns
may unite in
the employment
of a superin-
tendent of
schools.

SECTION 2. Section two of said act is hereby amended by adding thereto the following words: — When such a union has been effected it shall not be dissolved because any one of the towns shall have increased its valuation so that it exceeds two million five hundred thousand dollars, nor because the number of schools shall have increased beyond the number of fifty or decreased below the number of twenty-five, nor, for any reason, for the period of three years from the date of the formation of such union, except by vote of a majority of the towns constituting the union, — so as to read as follows: — *Section 2.* When such a union has been effected, the school committees of the towns comprising the union shall form a joint committee, and for the purposes of this act said joint committee shall be held to be the agents of each town comprising the union. Said committee shall meet annually in joint convention in the month of April at a day and place agreed upon by the chairman of the committees of the several towns comprising the union, and shall organize by the choice of a chairman and secretary. They shall choose, by ballot, a superintendent of schools; determine the relative amount of service to be performed by him in each town; fix his salary, and apportion the amount thereof to be paid by the several towns, and certify such amount to

1888, 431, §2,
amended.

School commit-
tees of towns
uniting to form
a joint com-
mittee, etc.

Union not to be dissolved for three years, except by vote of a majority of towns uniting.

the treasurer of each town. When such a union has been effected it shall not be dissolved because any one of the towns shall have increased its valuation so that it exceeds two million five hundred thousand dollars, nor because the number of schools shall have increased beyond the number of fifty or decreased below the number of twenty-five, nor, for any reason, for the period of three years from the date of the formation of such union, except by vote of a majority of the towns constituting the union.

1888, 431, §3, amended.

SECTION 3. Section three of said act is hereby amended by inserting in the fifth line, after the word "paid", the words: — or to the sum paid per child, — also by inserting in the thirteenth line, before the word "dollars", the words: — two hundred and fifty, — also by striking out in the same line, the words, "one half", and inserting in place thereof the words: — seven hundred and fifty dollars, — also by striking out in the fourteenth line, the words "one half", and inserting in place thereof the words: — five hundred dollars, — also by striking out in the sixteenth line, the words "average public school attendance of", and inserting in place thereof the words: — amount appropriated and expended for a superintendent in, — so as to read as follows: — *Section 3.* Whenever the chairman and secretary of such joint committee shall certify to the state auditor, under oath, that a union has been effected as herein provided, that the towns, in addition to an amount equal to the average of the total sum paid, or to the sum paid per child, by the several towns for schools during the three years next preceding, unitedly have raised by taxation and appropriated a sum not less than seven hundred and fifty dollars for the support of a superintendent of schools, and that under the provisions of this act a superintendent of schools has been employed for one year, a warrant shall be drawn upon the treasurer of the Commonwealth for the payment of one thousand two hundred and fifty dollars, seven hundred and fifty dollars of which amount shall be paid for the salary of such superintendent, and the remaining five hundred dollars shall be apportioned and distributed on the basis of the amount appropriated and expended for a superintendent in the towns forming such district for the year next preceding, which amount shall be paid for the salaries of teachers employed in the public schools within such district.

When required certificate is made, \$1,250 to be paid from state treasury for salaries, etc.

SECTION 4. Section one of chapter two hundred and seventy-two of the acts of the year eighteen hundred and ninety-one is hereby amended by striking out the word "thirty-five", in the first line, and inserting in place thereof the word:— forty-five,— so as to read as follows:— *Section 1.* A sum not exceeding forty-five thousand dollars shall be annually appropriated to carry out the provisions of chapter four hundred and thirty-one of the acts of the year eighteen hundred and eighty-eight, entitled "an act to aid small towns to provide themselves with school superintendents."

1891, 272, §1,
amended.

Aid to small towns to provide themselves with school superintendents.

SECTION 5. This act shall take effect upon its passage.

Approved April 15, 1893.

AN ACT TO REMOVE THE RESTRICTIONS UPON SHAD AND ALEWIFE FISHING IN THE MERRIMAC RIVER BELOW CHAIN BRIDGE.

Chap. 201

Be it enacted, etc., as follows:

SECTION 1. All provisions of law relative to the taking of shad or alewives in the Merrimac river, so far as they relate to the taking of said fish below the bridge known as Chain bridge, between the city of Newburyport and the town of Amesbury, or the selling of fish taken in that part of said river below said bridge, are hereby repealed: *provided, however,* that whoever uses in that part of said river below Chain bridge a gill net of any description, or a sweep seine having a mesh which stretches less than two and a quarter inches, shall forfeit twenty-five dollars for each offence, and in addition shall forfeit the fish taken and the apparatus used.

Removal of restrictions upon shad and alewife fishing in Merrimac river below Chain bridge.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 15, 1893.

AN ACT TO SUPPLY THE TOWN OF NORTH ANDOVER WITH WATER.

Chap. 202

Be it enacted, etc., as follows:

SECTION 1. The town of North Andover may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; and may establish fountains and hydrants, relocate or discontinue the same; may regulate the use of such water and fix and collect rates to be paid for the use of the same.

Town of North Andover may supply itself with water.

SECTION 2. The said town, for the purposes aforesaid, is hereby granted the right to draw and take water from the Great pond, otherwise called Lake Cochichewick, and

May take water from Great pond.

wholly situated in said town, to such an amount as may be necessary.

May take lands,
etc.

SECTION 3. The said town, for the purposes aforesaid, may take by purchase or otherwise, and hold all lands, rights of way, water rights, water sources and easements necessary for holding and preserving the waters of said pond and for conveying the same to any part of said town; and may erect on the land thus taken or held, proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads or public or private ways, and along any such way in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up any such lands, and may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May erect build-
ings, lay down
pipes, etc.

To cause to be
recorded in reg-
istry of deeds a
description of
lands, etc.,
taken.

SECTION 4. Said town shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district within which the same are situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the board of water commissioners hereinafter provided for.

Damages.

SECTION 5. Said town shall pay all damages sustained by any person or corporation in property by the taking of any lands, rights of way, water, water rights, water sources or easements as aforesaid, or in consequence of any other act done by said town under the authority of this act. Any person or corporation sustaining damages as aforesaid, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the time the water is actually withdrawn, or of the

taking of such property or doing such damage, but no application shall be made after the expiration of said three years.

SECTION 6. Said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate eighty thousand dollars; such bonds, notes and scrip shall bear on their face the words, North Andover Water Loan, shall be payable at the expiration of periods not exceeding twenty-five years from the date of issue, or earlier, at the option of said town; shall bear interest, payable semi-annually, at a rate not exceeding five per cent. per annum, and shall be signed by the treasurer of said town and be countersigned by the said board of water commissioners. Said town may sell said securities at public or private sale or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. Said town shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. Said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose, and proper returns thereof shall be made to the tax commissioner as provided by law.

North Andover
Water Loan,
not exceeding
\$80,000.

Sinking fund.

SECTION 7. Said town shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid, and to make such contributions to said sinking fund and the payments on the said principal as may be required by this act.

Payment of
expenses, inter-
est on loan, etc.

SECTION 8. Said town shall, after its acceptance of this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of one year, one until the expiration of two years and one until the expiration of three years from the next succeeding annual meeting of said town, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for a term of three years. All the authority granted to

Water commis-
sioners, elec-
tion, terms of
office, powers,
duties, etc.

the said town by this act, and not otherwise specially provided for, shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. Said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to said water works and to the said sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

To take effect upon acceptance, etc.

SECTION 9. This act shall take effect upon its acceptance by a two thirds vote of the legal voters of said town present and voting thereon at any legal town meeting called for the purpose within three years from its passage; but the number of such meetings shall not exceed three in any one of said years. At such meetings the vote shall be taken by written or printed ballots, and the polls shall be kept open at least four hours. At such meetings the selectmen shall preside, and in receiving said ballots the check list shall be used in the same manner as it is used at elections of national, state and county officers.

Approved April 15, 1893.

Chap. 203 AN ACT TO AUTHORIZE THE TOWN OF HOPKINTON TO ISSUE NOTES, BONDS OR SCRIP FOR THE PURPOSE OF PURCHASING LAND AND ERECTING AND FURNISHING A HIGH SCHOOLHOUSE.

Be it enacted, etc., as follows:

Hopkinton High School Loan not exceeding \$20,000.

SECTION 1. The town of Hopkinton, for the purpose of purchasing land and erecting and furnishing a high schoolhouse, is hereby authorized to issue notes, bonds or scrip, to be denominated on the face thereof, Hopkinton High School Loan, to an amount not exceeding twenty thousand dollars, and payable in not exceeding fifteen years from date, which sum with the interest thereon shall be provided for by taxation and paid at maturity.

P. S. 29 to apply.

SECTION 2. The provisions of chapter twenty-nine of the Public Statutes shall apply to said loan, except so far as they are inconsistent herewith.

SECTION 3. This act shall take effect upon its passage.

Approved April 15, 1893.

AN ACT TO EXTEND THE POWERS OF THE NEW ENGLAND
DEACONESS HOME AND TRAINING SCHOOL. Chap.204

Be it enacted, etc., as follows :

SECTION 1. The New England Deaconess Home and Training School may, in addition to its other powers, provide a home for those needing refuge, care or shelter, and may make contracts therefor with such as are able to pay for the same, and devise and carry out plans for the protection, relief, education and training of neglected, poor, sick or unfortunate persons. Powers extended.

SECTION 2. This act shall take effect upon its passage.

Approved April 15, 1893.

AN ACT FOR THE BETTER PROTECTION OF THE FISHERIES OF
BUZZARD'S BAY. Chap.205

Be it enacted, etc., as follows :

SECTION 1. No traps, weirs, pounds, yards or stationary apparatus of any kind for the taking of fish, shall be set, used or maintained in the waters of Buzzard's bay, or any harbor, cove or bight thereof, and the mayor and aldermen of cities and the selectmen of towns bordering on said bay shall have no power or authority to grant licenses to construct fish weirs, or to set, use or maintain any other stationary apparatus for the taking of fish in the waters of said bay, or any harbor, cove or bight thereof; but nothing herein contained shall be construed to forbid or make unlawful the maintaining of traps, pounds or weirs under licenses heretofore granted in accordance with section seventy of chapter ninety-one of the Public Statutes, until the expiration of the terms for which said licenses were granted. Protection of the fisheries of Buzzard's bay.

SECTION 2. Any person who shall set, use or maintain any trap, weir, pound, yard or other stationary apparatus, in violation of this act, shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment not exceeding six months. Penalty.

Approved April 15, 1893.

AN ACT TO PROVIDE FOR AN ADDITIONAL WATER SUPPLY FOR THE
TOWN OF WEST SPRINGFIELD. Chap.206

Be it enacted, etc., as follows :

SECTION 1. The town of West Springfield, for the purpose of supplying the said town and the inhabitants Additional water supply.

thereof with pure water in addition to the supply provided for in chapter one hundred and thirty-eight of the acts of the year eighteen hundred and seventy-five, for the extinguishing of fires, for domestic and other purposes, may establish fountains, watering places and hydrants, and relocate and discontinue the same; may regulate the use of such water and fix and collect rates to be paid for the use of the same.

May take certain waters, lands, etc.

SECTION 2. The said town, for the purposes aforesaid, may take, by purchase or otherwise, and hold the waters of any pond, stream or springs, artesian or driven wells or filter galleries within the limits of said town of West Springfield, and the water rights and water sources connected therewith; and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town of West Springfield; and may erect on the land thus taken and held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads, or public or private ways, and along any such way in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

To cause to be recorded in registry of deeds a description of lands, etc., taken.

SECTION 3. The said town shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district within which the same are situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

Damages.

SECTION 4. The said town shall pay all damages sustained by any person or corporation in property by the

taking of any land, right of way, water, water source, water right or easement, or any other thing done by said town under the authority of this act. Any person or corporation entitled to damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, by making application at any time within the period of three years from the taking of such land or other property or the doing of any other injury under the authority of this act; but no application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

No application for damages to be made until water is actually taken.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate seventy-five thousand dollars. Such bonds, notes and scrip shall bear on their face the words, West Springfield Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding five per centum per annum, and shall be signed by the treasurer and be countersigned by the selectmen of the town. The said town may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act, and upon such terms and conditions as it may deem proper. The said town shall pay the interest on said loan as it accrues, and shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

West Springfield Water Loan not exceeding \$75,000

Sinking fund.

SECTION 6. The said town, instead of establishing a sinking fund, may at the time of authorizing said loan provide for the payment thereof in annual payments of such amounts as will in the aggregate extinguish the same within the time prescribed in this act, and when such vote

May provide for annual payments on loan.

has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter, until the debt incurred by said town shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Return of
amount of sink-
ing fund or
annual pay-
ment.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of section six of this act, and shall also state the amounts raised and applied thereunder for the current year.

Payment of
expenses, inter-
est, etc.

SECTION 8. The said town shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Penalty for wil-
ful corruption
or diversion of
water, etc.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to the said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Water commis-
sioners, elec-
tion, terms of
office, powers,
duties, etc.

SECTION 10. The said town shall, after the acceptance of this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote.

The said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

SECTION 11. This act shall take effect upon its acceptance by a two thirds vote of the voters of said town present and voting thereon at any legal town meeting called for the purpose within three years from its passage ; but the number of such meetings shall not exceed three in any one year. At such meetings the votes shall be taken by written or printed ballots and the polls shall be kept open at least four hours. At such meetings the selectmen shall preside, and in receiving said ballots the check list shall be used in the same manner as it is used at elections of national, state and county officers.

To take effect upon acceptance, etc.

Approved April 15, 1893.

AN ACT TO AUTHORIZE THE HARVARD MUSICAL ASSOCIATION TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 207

Be it enacted, etc., as follows :

SECTION 1. Section two of chapter one hundred and nineteen of the acts of the year eighteen hundred and forty-five is hereby repealed.

1845, 119, §2, repealed.

SECTION 2. The Harvard Musical Association is hereby authorized to hold, for the purposes for which it is incorporated, real and personal estate to an amount not exceeding fifty thousand dollars.

May hold property not exceeding \$50,000.

SECTION 3. This act shall take effect upon its passage.

Approved April 15, 1893.

AN ACT AUTHORIZING CITIES AND TOWNS TO PROVIDE FREE EVENING LECTURES.

Chap. 208

Be it enacted, etc., as follows :

SECTION 1. The school committees of cities and towns maintaining free evening schools are hereby authorized to employ competent persons to deliver lectures, on the natural sciences, history and kindred subjects, in such places as said committees may provide.

Lectures may be provided in certain cities and towns.

Certain cards or pamphlets may be provided.

SECTION 2. Said committees are hereby authorized to provide cards or pamphlets giving the titles and names of authors of books of reference, contained in the local public libraries, on the subject-matter of said lectures.

Approved April 15, 1893.

Chap. 209 AN ACT RELATIVE TO THE REGISTRATION OF VOTERS BEFORE SPECIAL ELECTIONS.

Be it enacted, etc., as follows :

Registration of voters before special state elections.

SECTION 1. Before each special election of national or state officers the registrars of voters, in each city or town in which votes are to be cast at such election, shall hold at least one session in some suitable or convenient place in such city or town, and shall give an opportunity to qualified voters to register. Proceedings at such sessions shall be as provided by general law in the case of sessions of registrars of voters. The last session shall be held on the fourth day preceding said election, or in case said day is Sunday, then on the fifth day preceding said election: *provided*, that in the city of Boston such session shall be held on the seventh day preceding said election. And said last session shall commence not later than twelve o'clock, noon, and shall close at ten o'clock in the evening of the same day. After said session further registration shall be discontinued until after said special election shall have been held.

SECTION 2. This act shall take effect upon its passage.

Approved April 15, 1893.

Chap. 210 AN ACT IN RELATION TO THE TRANSPORTATION OF MILK.

Be it enacted, etc., as follows :

Transportation, etc., of milk by railroad corporations.

SECTION 1. No railroad corporation shall receive, forward or deliver milk in large quantities over any portion of its line or shall furnish or allow to others facilities or advantages for so doing under contract, lease or hiring of cars or otherwise, without at the same time furnishing or providing the same or equal facilities and advantages as regards time, care and preservation of the milk and the return of the empty cans, for receiving, forwarding and delivering milk by the can, over the same portion of its line, to any person tendering the same; nor without establishing a tariff for the milk by the can which is fairly pro-

portionate with the rate or price which it charges or receives as aforesaid for milk in large quantities.

SECTION 2. On the petition of one or more persons who desire to forward milk by the can over any railroad or any portion or portions thereof, the board of railroad commissioners, after notice to the railroad corporation and a hearing of the parties, shall ascertain and compare the tariff established as aforesaid for milk by the can, with the rate or price charged or received as aforesaid for milk in large quantities, over such railroad or such portion or portions thereof; and if the former is, in the judgment of the board, unreasonably high, as compared with the latter, the board shall revise said tariff and shall fix such rates for milk by the can as in its judgment are fairly proportionate with the rate or price for milk in large quantities, including in both cases the same care and preservation of the milk and the return of the empty cans, as aforesaid; and shall notify the corporation in writing of the rates by the can so fixed over such railroad or such portion or portions thereof; but milk received by one railroad corporation from another shall not be considered as received at the point of junction of the two roads, in comparing and fixing as aforesaid rates for milk by the can tendered at such point of junction.

Powers and duties of railroad commissioners, etc.

SECTION 3. A railroad corporation which refuses or neglects to receive, forward or deliver milk by the can over its railroad or any portion thereof at the tariff rates therefor, so fixed and notified to it by the board, shall forfeit to the person tendering the same five dollars for each and every can of milk which it so refuses to receive or neglects to forward and deliver at the said tariff rates, to be recovered in an action of tort.

Penalty.

SECTION 4. Sections one hundred and ninety-two to one hundred and ninety-four, inclusive, of chapter one hundred and twelve of the Public Statutes are hereby repealed; but such repeal shall not affect any rates heretofore fixed or any suit pending or right of action accrued under said sections.

P. S. 112, §§192-194, repealed, etc.

Approved April 17, 1893.

AN ACT IN RELATION TO THE ISSUE OF BONDS AND CERTIFICATES
FOR PARK PURPOSES BY THE CITY OF BOSTON.

Chap. 211

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter three hundred and one of the acts of the year eighteen hundred and ninety-

1891, 301, §2, amended.

one is hereby amended by striking out in the last four lines thereof, the following words “nor shall said city treasurer issue in any one year, of the aforesaid bonds and certificates, a greater amount than seven hundred thousand dollars”, so as to read as follows:—*Section 2.* Said treasurer shall, when authorized by said city as hereinbefore provided, from time to time, when requested as aforesaid, issue and sell said bonds and certificates to the amount requested, retain the proceeds thereof in the treasury of said city and pay therefrom the expenses incurred for the purposes aforesaid: *provided, however,* that said board shall not purchase or take, to be paid for from the proceeds aforesaid, lands exceeding in value, as assessed for the year eighteen hundred and ninety, one million dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1893.

Chap. 212

AN ACT TO AUTHORIZE THE NORTHAMPTON STREET RAILWAY COMPANY TO EXTEND ITS ROAD INTO CERTAIN OTHER TOWNS IN THE COUNTY OF HAMPSHIRE.

Be it enacted, etc., as follows:

SECTION 1. The Northampton Street Railway Company may locate, construct, maintain and operate its railway, with single or double tracks, and with suitable turn-outs and switches, in such a manner as may be convenient and necessary, in part upon private land, and over and upon streets or highways of Northampton, Easthampton, Williamsburg, Hatfield, Hadley and Amherst, in the county of Hampshire, subject to the approval and under the control of the mayor and aldermen of said city and of the selectmen of the respective towns, as provided by general law: *provided,* that no location shall be granted to said street railway company in the town of Amherst unless the town votes to authorize its selectmen to grant said location, by majority vote of the voters present and voting thereon at a town meeting called for the purpose. No location upon private land shall exceed fifty feet in width.

SECTION 2. The proceedings for the fixing of the route, location and construction of said railway over all the route lying outside of the streets and public highways, and for the taking of private property and for damages therefor, shall be similar to those prescribed by general law in relation to railroads, except as herein otherwise provided; but if upon petition of the directors and after notice and hear-

City treasurer
may issue and
sell bonds, etc.

Proviso.

May extend its
road into certain
towns, etc.

Proviso.

Proceedings for
fixing route,
location and
construction of
railway outside
of streets, etc.

ing thereon, as provided in section twenty-one of chapter one hundred and thirteen of the Public Statutes, the mayor and aldermen of Northampton or the selectmen of any town agree with the directors as to any proposed extensions of its route therein which is in part located on private land, and the said mayor and aldermen or the selectmen shall sign and give to the directors a certificate setting forth such route, and if such certificate, with the directors' acceptance thereof in writing, is filed in the registry of deeds for the county of Hampshire within thirty days after the date of said certificate, it shall be deemed the true location of the tracks of the company and a taking of the private lands therein indicated.

SECTION 3. Said street railway shall not cross the tracks of any steam railroad at grade without first obtaining the written consent of the board of railroad commissioners. The mayor and board of aldermen of the city of Northampton may determine upon what terms and under what conditions said street railway may occupy and use the bridge over the Connecticut river between Northampton and Hadley.

Grade crossings of steam railroads.

Use of bridge between Northampton and Hadley.

SECTION 4. The authority herein granted shall cease in any town where no portion of the proposed extension has been built and put in operation at the end of five years from the passage of this act. *Approved April 19, 1893.*

Authority to cease where extension is not operated in five years.

AN ACT TO CONFIRM THE PROCEEDINGS OF THE ANNUAL TOWN MEETING OF THE TOWN OF MIDDLEBOROUGH.

Chap. 213

Be it enacted, etc., as follows:

SECTION 1. The proceedings of the annual town meeting of the town of Middleborough held on the sixth day of March in the year eighteen hundred and ninety-three shall not be invalid by reason of any clerical error in the warrant calling said meeting; and the election of town officers and all other doings of said meeting are ratified and confirmed.

Proceedings of town meeting confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved April 19, 1893.

AN ACT TO INCORPORATE THE MILLBURY WATER COMPANY.

Chap. 214

Be it enacted, etc., as follows:

SECTION 1. Charles D. Morse, Henry W. Aiken, Samuel E. Hull, Damien Ducharme, Samuel N. Rogers and George F. Chase, their associates and successors, are

Millbury Water Company incorporated.

hereby made a corporation by the name of the Millbury Water Company, for the purpose of supplying the inhabitants of the town of Millbury, or any part thereof, with water for domestic, manufacturing and other purposes, including the extinguishment of fires; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

May take certain waters, lands, etc.

SECTION 2. The said corporation, for the purposes aforesaid, may take, by purchase or otherwise, and hold the waters, or so much thereof as may be necessary, of any ponds, springs, streams or wells, or of any filter galleries or wells that may be constructed upon the shore of any pond, or near to any spring or streams within the limits of the said town of Millbury, and lying east of the Blackstone river, together with any water rights connected therewith; and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town; and may erect on the land thus taken and held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads, or private or public ways, and along any such ways, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and, under the direction of the board of selectmen of the said town, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May erect buildings, lay down pipes, etc.

To cause to be recorded in registry of deeds a description of lands, etc., taken.

SECTION 3. The said corporation shall, within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district of Worcester, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

SECTION 4. The said corporation shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water sources, water right or easement, or by any other things done by said corporation under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of any other injury under the authority of this act; but no such application shall be made after the expiration of three years. No application for the assessment of damages shall be made for the taking of any water, water right or water source, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act. The said corporation may by vote, from time to time fix and determine what amount or quantity of water it purposes to take and appropriate under this act; in which case any damages caused by such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, in which event said corporation shall be further liable only for the additional damages caused by such additional taking.

Damages.

SECTION 5. The said corporation may distribute said water through said town of Millbury, or any part thereof, and may regulate the use of the same and fix and collect water rates to be paid therefor. And said town, or any individual, corporation, or any fire district legally organized in said town, may make such contracts with said water company to supply water for the extinguishment of fires and for other purposes, as may be agreed upon by said town, individual, corporation or fire district, and said Millbury Water Company.

Water supply
for town of
Millbury, etc.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount twenty-five thousand dollars; and the whole capital stock of said corporation shall not exceed one hundred and twenty-five thousand dollars, to be divided into shares of one hundred dollars each; and said corporation may issue bonds bearing interest at a rate not exceeding

Real estate,
capital stock of
corporation, etc.

six per centum per annum, and secure the same by a mortgage of its franchise and other property to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

Penalty for wilful corruption or diversion of water, etc.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon being convicted of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment in jail not exceeding one year.

Town may take franchise, property, etc., at any time.

SECTION 8. The said town of Millbury shall have the right, at any time during the continuance of the charter hereby granted, to take by purchase or otherwise the franchise, corporate property and all the rights and privileges of said corporation, on payment to said corporation of the total actual cost of its franchise, works and property of any kind, held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of taking, as hereinafter provided, at the rate of five per centum per annum. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation for that year, then such excess shall be added to the total actual cost, and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works that year, then such excess shall be deducted from the total actual cost. The said town on taking, as herein provided, the property of said corporation, shall assume all of its outstanding obligations, including the bonds authorized in this act; and the amount thus assumed shall be deducted from the total amount to be paid by said town to said corporation. An itemized statement of the receipts and expenditures of said corporation shall be annually submitted to the selectmen of the town of Millbury, and by said selectmen to the citizens of said town. In case said town and said corporation are unable to agree upon the amount of the total actual cost of the franchise, corporate property, rights and privileges of said corporation, then,

Statement of receipts and expenditures to be made annually.

upon a suit in equity by said town, the supreme judicial court shall ascertain and fix such total actual cost under the foregoing provisions of this act, and enforce the right of said town to take possession of such franchise, corporate property, rights and privileges, upon payment of such cost to said corporation. This authority to take said franchise and property is granted on condition that the same is assented to by said town by a two thirds vote of the voters present and voting thereon at a meeting called for that purpose.

Authority to purchase to be assented to by a two thirds vote.

SECTION 9. The said town may, for the purpose of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate one hundred and twenty-five thousand dollars; such bonds, notes or scrip shall bear on their face the words, Millbury Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest, payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, at not less than the par value thereof, upon such terms and conditions as it may deem proper. The said town shall pay the interest upon said loan as it accrues, and shall provide for the payment of said principal at maturity, by establishing at the time of contracting said debt a sinking fund, or from year to year by such proportionate payments as will extinguish the same within the time prescribed by this act. In case said town shall decide to establish a sinking fund it shall contribute thereto annually a sum sufficient with its accumulations to pay the principal of said loan at maturity; and said sinking fund shall remain inviolate and pledged to the payment of said debt and shall be used for no other purpose. If said town shall decide to pay the principal of said loan by instalments, such amounts as may be necessary to make such payments shall, without further vote of said town, be raised annually by taxation, in the same manner as money is raised for other town expenses.

Millbury Water Loan not exceeding \$125,000.

Sinking fund; proportionate payments.

SECTION 10. The return required by section ninety-one of chapter eleven of the Public Statutes shall state

Return of amount of sink-

ing fund or
annual pay-
ments.

the amount of any sinking fund established under this act, and if no sinking fund is established said return shall state whatever action has been taken for the payment of the annual proportion of said bonded debt, as hereinbefore provided, and the amount raised and expended therefor for the current year.

Water commis-
sioners, elec-
tion and terms
of office.

SECTION 11. The said town shall, after its purchase of said franchise and corporate property, as provided in this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years.

Powers and
duties of com-
missioners.

SECTION 12. All the authority granted to the said town by this act and not otherwise specifically provided for shall be vested in said water commissioners, who shall be subject however to such restrictions, rules and regulations as said town may impose by its votes. The said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board for any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

Payment of ex-
penses, interest
on loan, etc.

SECTION 13. The said town shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as afore-said by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act. The said town is further authorized, by a two thirds vote of the voters of said town present and voting at any legal meeting, to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing additional appliances and fixtures connected therewith, not exceeding five thousand dollars in any one year.

Extension of
water works,
etc.

Only necessary
expenses to be
incurred until

SECTION 14. This act shall take effect upon its passage, but no expense other than for preliminary surveys

and such legal and official proceedings as may be necessary to effect its organization shall be incurred by the said water company until after the said town of Millbury shall have once voted upon the question of purchasing the franchise, corporate property, and all the rights and privileges of said corporation, in the manner herein specified: *provided, however*, that said vote shall be taken within sixty days after the date of the passage of this act, and that said town shall at the same meeting vote to construct the water works authorized herein and appropriate the money necessary therefor. *Approved April 19, 1893.*

after town has
voted on pur-
chase, etc.

Proviso.

AN ACT TO DISSOLVE CERTAIN CORPORATIONS.

Chap.215

Be it enacted, etc., as follows:

SECTION 1. Such of the following named corporations as are not already dissolved, viz.: —

Corporations
dissolved.

A. C. White Coal Company,
Abington and Rockland Electric Company, The,
Abington Business Club Building Association,
Acton Electric Company,
Adamanta Manufacturing Company, The,
Adams Co-operative Association,
Agawam Electric Company,
Agawam Gas Company, The,
Allen Governor Company,
American Arms Company,
American Ballot Box Association,
American Chlorine and Chemical Manufacturing
Company, The,
American Co-operative Association,
American Eophone Company, The,
American Shoe Company,
Amesbury Forging Company,
Ashcroft Manufacturing Company,
Athol Building Company,
Athol Electric Lighting and Power Company,
Atlantic Cigar Company,
Atlantic Dyewood Company,
Atlantic Fertilizer Company, The,
Ayer Electric Company,
Barden Stationery Company,
Barnes Manufacturing Company, The,
Bay State Electric Light and Power Company,

Corporations
dissolved.

Bay State Felt Boot and Shoe Company,
Bay State Knitting Company,
Bay State Manufacturing Company,
Bay View Pavilion Company, The,
Bayley Hat Company,
Beaver Knitting Company, The,
Bee Newspaper Company, The,
Berkshire Boot & Shoe Company,
Blackburn Valve Company,
Blackstone Electric Company,
Boston and Colorado Smelting Company,
Boston Dye-wood and Chemical Company,
Boston Oakum Company,
Boston Pipe Wrench Company, The,
Boston Stenographic and Copying Company, The,
Boston Stock Transfer Company,
Boston Tag and Printing Company, The,
Boston Type Foundry,
Boston Watch and Jewelry Company,
Bridgewater Iron Company,
Bristol County Electric Company, The,
Broekton Gazette Publishing Company, The,
Brookline Electric Light Company,
Bullard Art Publishing Company of Worcester, The,
Buxton Seed Company, The,
Byfield Manufacturing Company,
Cambridge Publishing and Printing Company, The,
Campello Co-operative Boot and Shoe Company,
The,
Canton Electric Company,
Capitol Manufacturing Company, The,
Cary Improvement Company,
Cedar Street Co-operative Association,
Charles River Electric Light and Power Company,
Chelsea Publishing Company, The,
Chicopee Folding Box Company,
Citizens' Electric Company,
Citizens' Electric Company of Milton, Mass.,
Citizens' Electric Light Company,
Citizens' Gas Company of Marlborough, The,
Clark Moulding Works,
Commercial Manufacturing Company,
Commonwealth Hotel Company,
Commonwealth Insurance Company,

Connecticut Valley Cigar Company,
 Consumers' Gas Company, .
 Co-operative Printing and Publishing Company,
 The,
 Cosmopathic Medical Institute and Sanitarium
 Association,
 Cottage City Gas Company, The,
 Cottage Hearth Company,
 Damon Narrow Fabric Company,
 Deep Sea Isinglass Company,
 Diamond Safety Razor Company, The,
 Draper Manufacturing Company, The,
 Dubois Lithographic Company,
 Duxbury Bridge Company,
 E. L. Johnson Company,
 E. W. Vaill Chair Manufacturing Company, The,
 East Boston Improvement Company,
 Eastern Supply Company, The,
 Easthampton Aqueduct Company,
 Easthampton Paper Company,
 Electric Standard Time Company,
 Elsey School Furniture Company,
 Elwell Heddle Company, The,
 Eureka Silk Manufacturing Company,
 Everett Electric Light Company,
 Excelsior Fertilizer Company,
 Excelsior Umbrella Manufacturing Company,
 F. A. Kennedy Company, The,
 F. D. Maynard Company, The,
 Fall River Boot and Shoe Manufacturing Company,
 Fall River Yarn Mills,
 Faneuil Hall Cooling Company,
 First National Publishing Company,
 Florence Machine Company,
 Foxboro' Electric Company,
 Franklin Chemical Company,
 French Co-operative Store,
 George J. Raymond Company,
 Globe Co-operative Shoe Company,
 Gloucester Electric Light Company,
 Grafton and Upton Electric Company, The,
 Greenfield Aqueduct Company,
 Groveland Foundry Company of Dighton,
 H. A. Prentice Company,

Corporations
 dissolved.

Corporations
dissolved.

Haverhill Lime Company,
 Hermon W. Ladd Company,
 Holmes Hole Marine Railway Company,
 Holt Manufacturing Company,
 Holyoke and Springfield Steamboat Company,
 Holyoke Electric Company,
 Holyoke Electric Light and Power Company, The,
 Hopson, Giddings Corporation, The,
 Household Publishing Company, The,
 Humphrey Paper Box Company,
 Incas Silver Mining Company,
 India Wharf, the Proprietors of,
 International Cigarmakers' Co-operative Association,
 J. H. Salter Silk Company,
 Jamaica Pond Aqueduct Corporation,
 Job Chase Wharf Company,
 John Davrog Company,
 Kimball Manufacturing Company,
 Kingston Co-operative Foundry Company,
 Lamson Store Service Supply Company,
 Law and Order Publishing Company,
 Lawson Manufacturing Company,
 Le National Publishing Company,
 Lewis Engraving Company,
 Linton Wood Spring Carriage Company,
 Little and Company Corporation,
 Lugrin Door Company,
 Lynn Mechanics' Building Association,
 Lynn News Publishing Company,
 Lynn Plumbing Company,
 Mansfield Electric Company,
 Manufacturers Fire and Marine Insurance Company,
 Masonic and Odd Fellows Building Association of
 Palmer,
 Masonic Building Association in the Town of
 Georgetown,
 Massachusetts Arms Company,
 Massasoit Worsted Company,
 Melver Brothers Machine Company,
 Mechanics' and Workingmen's Co-operative Coal
 Association,
 Meigs Elevated Railway Company,
 Menauhant Land and Wharf Company,

Merchants Electric Company, The,
 Middlesex Co-operative Boot and Shoe Company,
 Minot Manufacturing Company,
 Monatiquot Electric Light and Power Company, The,
 Mudie Library Company, The,
 Munroe Organ Reed Company,
 N. D. Dodge Company, The,
 Naumkeag Electric Company,
 Needham Electric Company,
 Nemosett Company, The,
 Neponset Electric Company, The,
 New Bedford Casket Company,
 New England Co-operative Trunk Company,
 New England Wire Goods Company,
 New England Wiring and Construction Company,
 Newton Electric Light and Power Company,
 North Easton Electric Company,
 Northampton Creamery Company, Co-operative,
 Norway Tanning Company,
 Odd Fellows Hall Association of Needham,
 Palmer Co-operative Creamery Association, The,
 Palmer Gas Light Company,
 Pard Co-operative Shoe Company,
 Park Hosiery Company,
 Parmenter Crayon Company,
 Pequoig Soapstone Company, The,
 Perry Manufacturing Company, The,
 Pike Manufacturing Company,
 Pittsfield Electric Light Company, The,
 Pittsfield Illuminating Company,
 Prescott Manufacturing Company,
 Pure Flowing Water Company,
 Randolph and Holbrook Electric Company, The,
 Randolph and Holbrook Light and Power Company,
 Revere Gas Company,
 Revere Gas Light Company,
 Richard L. Gay Company, The,
 Richmond Co-operative Creamery Association,
 Rivermont Lumber Company, The,
 Rockland Electric Light and Power Company, The,
 S. L. Wiley Construction Company, The,
 Salisbury Beach Roller-Toboggan Company, The,
 Sanders Leather Company,
 Sanford Woolen Company, The,

Corporations
dissolved.

Corporations
dissolved.

Saugus Water Company,
Shelburne Falls Electric Light and Power Company,
Sherman Machine Company,
Somerville Gas Company, The,
Southbridge Co-operative Grocery Company,
Springfield Publishing Company, The,
Springfield Pump and Manufacturing Company,
Springfield Silk Mills Company,
Standard Electric Supply Company,
Standard Manufacturing Company,
Standard Rubber Company,
Star Furniture Company,
Stellar Electric Company,
Stoneham and Wakefield Electric Light and Power
Company, The,
Stoughton Gas Light Company,
Swampscott Electric Company,
Times Newspaper Company, The,
Turner Electrical Manufacturing Company,
W. A. Sturdy Manufacturing Company,
Waite and Watts Furniture Company, The,
Wakefield Electric Light and Power Co.,
Walter Heywood Chair Manufacturing Company,
Ware Power & Improvement Co., The,
Waters Electric Time Switch Company,
Watuppa Manufacturing Company,
Wellesley Electric Company,
Wenham Lake Ice Company,
Wentworth Carpet Lining Company, The,
West Springfield Gas Company,
Westboro' Carriage Co.,
Westfield Street Railway Company,
Wilder Manufacturing Company,
Willey Robinson Manufacturing Company, The,
William E. Smythe Company, The,
Williston Mills,
Winchendon Electric Company, The,
Winchester Electric Light Company, The,
Winthrop Gas Company,
Woburn Electric Light and Power Company,
Worcester Elevator Company,
Worcester Fire Pail Company,
Worcester Steel Works,
Wylie Hardware Company,

are hereby dissolved, subject to the provisions of sections forty-one and forty-two of chapter one hundred and five of the Public Statutes.

SECTION 2. Nothing in this act shall be construed to affect any suits now pending by or against any corporation mentioned in the first section of this act, nor any suit now pending or hereafter brought for any liability now existing against the stockholders or officers thereof, nor to revive any charter or corporation previously dissolved or annulled, nor to make valid any defective organization of any of the supposed corporations mentioned in said first section.

Pending suits not to be affected, etc.

SECTION 3. Suits upon choses in action arising out of contracts sold or assigned by any corporation dissolved by this act may be brought or prosecuted in the name of the purchasers or assignees. The fact of sale or assignment and of purchase by the plaintiff shall be set forth in the writ or other process; and the defendant may avail himself of any matter of defence of which he might have availed himself, in a suit upon the claim by such corporation, had it not been dissolved by this act.

Proceedings in suits upon choses in action.

SECTION 4. This act shall take effect upon its passage.

Approved April 19, 1893.

AN ACT TO INCORPORATE THE SOUTH MIDDLEBOROUGH CEMETERY ASSOCIATION.

Chap. 216

Be it enacted, etc., as follows:

SECTION 1. Ephraim A. Hunt, E. Howard Shaw, James M. Clark, Alvin E. Thomas, Lucius M. Fuller, Edwin F. Witham, John L. Benson, John S. Benson, Ephraim H. Gammons, Frank L. Wallen, Charles E. Hunt, Cyrus LeBarron, John E. Smith and Nathaniel Shurtleff, their associates and successors, are hereby made a corporation by the name of the South Middleborough Cemetery Association, for the purpose of acquiring, holding, managing and perpetuating a place for the burial of the dead in the town of Middleborough; with all the powers and privileges and subject to all the duties, restrictions and liabilities contained in general laws which now are or hereafter may be in force relating to similar corporations.

South Middleborough Cemetery Association incorporated.

SECTION 2. Said corporation may purchase, acquire, receive and hold so much of the real estate now held by the Third Baptist Society in Middleborough as was con-

May acquire and hold certain property in Middleborough, etc.

veyed to said society by Lemuel Morton, deceased, and is now used as a burial ground; and may also hold personal estate to an amount not exceeding five thousand dollars, to be applied to objects connected with and appropriate to the purpose of said corporation, in addition to any amount which may be held by it under the provisions of section six of this act.

Third Baptist Society in Middleborough may convey certain land to the corporation.

SECTION 3. The Third Baptist Society in Middleborough is hereby authorized, whenever said South Middleborough Cemetery Association shall be duly organized, to release and convey to said corporation, for such consideration and upon such terms as may be agreed upon, by a deed executed by the treasurer of said society in its behalf, so much of the land conveyed to said society by Lemuel Morton, deceased, as is now used for a burial ground for the dead by the Reformed Methodist Society of South Middleborough: *provided*, that a majority of the qualified voters of said Third Baptist Society present and voting shall vote so to do at a meeting duly warned or called for that purpose.

Proprietors of lots to be members of the corporation.

SECTION 4. All persons who shall become proprietors of lots in any lands acquired by said corporation, and all persons who shall be proprietors of lots, whether by deed or otherwise, in the real estate mentioned in section three of this act, at the time when the release and conveyance therein authorized shall be made to said corporation, shall be and become members of said corporation, and whenever any person shall cease to be the proprietor of a lot in the lands of said corporation he shall cease to be a member thereof.

Proceeds of sales of lots to be applied to preservation, etc., of cemetery.

SECTION 5. All the net proceeds of sales of lots in the lands held by said corporation shall be forever devoted and applied to the preservation, improvement and embellishment, protection and enlargement of said cemetery and the incidental expenses thereof, and to no other purpose.

May take and hold additional property for certain purposes.

SECTION 6. Said corporation is hereby authorized to take and hold any grant, donation or bequest of property, upon trust, to apply the same or the income thereof for the improvement, embellishment or enlargement of said cemetery, or for the erection, repair, preservation or removal of any monument, fence or other erection, or for the planting and cultivation of trees, shrubs or plants in or around any lot, or for improving said premises in any

other manner or form consistent with the purposes for which said corporation is established, according to the terms of such grant, donation or bequest; and whenever any such grant, donation or bequest, or any deposit of money, shall be made by the proprietor of any lot in said cemetery for the annual repair, preservation or embellishment of such lot and the erections thereon, the said corporation may give to such proprietor or his representative an agreement or obligation in such form and upon such conditions as it may establish, binding said corporation and its successors to preserve and keep in repair said lot forever, or for such period as may be agreed upon.

SECTION 7. The officers of said corporation shall consist of five trustees, a treasurer and a clerk, who shall be elected at the annual meeting of said corporation, a president, to be elected annually by the trustees from their number, and such subordinate officers as may be provided for by the by-laws. Said treasurer and clerk shall each be elected for one year and until his successor is elected and qualified. Said trustees shall be elected one each year for the term of five years: *provided, however*, that at the first election the terms shall be respectively one, two, three, four and five years. Said trustees shall have the general management, care and superintendence of the property, expenditures, business and affairs of said corporation and of the sales of lots in said cemetery, and shall make a report of their doings to the corporation at its annual meeting. The treasurer shall give such bonds as the trustees direct. In case of a vacancy in said board of trustees or in the office of treasurer or clerk, by death, resignation, removal or otherwise, such vacancy may be filled for the unexpired term at any annual or special meeting of the corporation.

Officers, election, terms of office, powers, duties, etc.

SECTION 8. The annual meeting of said corporation shall be held on the first Wednesday of April in each year, at such place in said town of Middleborough as the trustees shall direct. Notice of annual and special meetings shall be published two successive weeks in some newspaper published in the town of Middleborough, the last publication to be at least three days before such meeting, and also posted in some conspicuous place in the church adjoining said cemetery. At all meetings of said corporation a quorum for business shall consist of not less than ten persons, and all questions shall be decided by a

Meetings, notices, transaction of business, etc.

majority of the members present or representatives, who may vote either in person or by proxy.

Organization;
conveyance of
certain real
estate, etc.

SECTION 9. This act shall take effect upon its passage so far as to authorize said corporation to hold a meeting at which an organization shall be effected by the election by ballot of a temporary president, treasurer and clerk, who shall be authorized to negotiate with said society for a conveyance to said corporation of the whole or any part of the real estate mentioned in sections two and three of this act, and to receive such conveyance, but shall not take effect for any other than the foregoing purposes until such conveyance shall have been executed and delivered by said society to said corporation. Notice of the time, place and purpose of said meeting shall be given in writing by any two of the three corporators first named, to each of the others, at least three days before said meeting. As soon as said conveyance shall have been made and delivered as aforesaid, said temporary president, treasurer and clerk shall call a meeting of the proprietors of lots in said real estate, who shall at said meeting elect by ballot the officers mentioned in section seven. If said meeting shall be held on any other day than that hereinbefore prescribed for the annual meeting, all officers elected shall hold their respective offices for the full terms to which they may be severally elected, reckoning however as one year the time intervening between the date of said first meeting and the annual meeting next ensuing. Said first meeting shall be called by a notice of the time, place and purpose thereof, published two weeks successively in some newspaper published in said Middleborough, the last publication to be at least three days before said meeting.

First regular
election of
officers, etc.

Approved April 19, 1893.

Chap. 217 AN ACT RELATING TO INDIGENT AND NEGLECTED INFANTS IN THE STATE ALMSHOUSE.

Be it enacted, etc., as follows:

Certain pauper
infants to be
placed in
asylums or
families.

SECTION 1. The superintendent and board of trustees of the state almshouse shall commit any indigent or neglected infants having no known settlement in this Commonwealth to the custody of the state board of lunacy and charity, which board shall provide for said infants in the Massachusetts Infant Asylum or St. Mary's Asylum, or in

a family or other suitable place, as they may judge to be best for the interests of each child.

SECTION 2. This act shall take effect upon its passage.

Approved April 19, 1893.

AN ACT TO INCORPORATE THE TRUSTEES OF THE JOHN GREEN-
LEAF WHITTIER HOMESTEAD.

Chap. 218

Be it enacted, etc., as follows:

SECTION 1. Alfred A. Ordway, George C. How, Charles Butters, Dudley Porter, Thomas A. Burnham, Clarence E. Kelley, Susan B. Sanders, Sarah M. F. Duncan and Annie W. Frankle, trustees under the deed of trust from James H. Carleton, dated the eighth day of December in the year eighteen hundred and ninety-two, and recorded in the Essex south district registry of deeds in book thirteen hundred and sixty-three, page one hundred and ninety-one, and their successors in trust, are hereby made a corporation by the name of the Trustees of the John Greenleaf Whittier Homestead, for the purposes hereinafter set forth; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force in relation to such corporations.

Trustees of the
John Greenleaf
Whittier Home-
stead incorpo-
rated.

SECTION 2. Said corporation is hereby authorized and empowered to take and hold, for the purposes therein set forth, all the real estate conveyed by said deed of trust, and may take and hold any other real estate formerly a portion of the Whittier homestead, or personal property which may be acquired by said corporation by gift, devise, purchase or otherwise, for the same purposes: *provided, however*, that the actual value of the estate held or possessed by said corporation as aforesaid shall not at any time exceed the amount of fifty thousand dollars.

May hold prop-
erty not exceed-
ing \$50,000.

SECTION 3. The property, real and personal, of said corporation shall be exempt from taxation, in the same manner and to the same extent as the property of literary, benevolent, charitable and scientific institutions incorporated within this Commonwealth.

Property to be
exempt from
taxation.

SECTION 4. Nothing in this act shall be construed to impair the jurisdiction of the proper courts of equity over the subject-matter of the trust created by said deed; but said corporation shall, in the execution of the purposes for which it is created, be held to have the same powers and

Jurisdiction of
courts of equity
not impaired
nor deed of
trust affected.

be subject to the same limitations in respect thereof which are applicable to said trustees by the provisions of said deed of trust; and their successors shall be appointed as provided in said deed.

SECTION 5. This act shall take effect upon its passage.

Approved April 19, 1893.

Chap. 219 AN ACT TO AUTHORIZE WATSON WHITTLESEY TO BUILD A BRIDGE
ACROSS THE CONNECTICUT RIVER.

Be it enacted, etc., as follows:

May build a
bridge across the
Connecticut
river.

SECTION 1. Watson Whittlesey and his heirs and assigns may, before the first day of January in the year eighteen hundred and ninety-five, build and maintain a bridge across the Connecticut river, from a point on the westerly side of said river in the city of Holyoke, which point is the easterly end of Mosher street, a public highway in said Holyoke, to a point in Chicopee opposite to said easterly end of said Mosher street, which point is on the west side of the highway leading from Willimansett in said Chicopee to South Hadley Falls, subject to the provisions of section two of chapter three hundred and forty-four of the acts of the year eighteen hundred and eighty-five.

Payment of
expenses of
construction
and mainte-
nance.

SECTION 2. All expenses incurred under this act, including all expenses of the construction of said bridge, and all expense of maintaining and keeping the same in repair when completed, shall be borne and paid by said Whittlesey, his heirs and assigns.

To be open to
public; to be
approved by
county commis-
sioners.

SECTION 3. Said bridge shall be free and open to the public to pass and repass thereon, and shall be of such strength, dimensions, material and kind as the county commissioners of the county of Hampden may determine.

SECTION 4. This act shall take effect upon its passage.

Approved April 19, 1893.

Chap. 220 AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO MAKE AN
ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

Water Bonds
of the City of
Fall River not
exceeding
\$200,000.

SECTION 1. The city of Fall River, for the improvement and extension of its water service, may issue from time to time, as hereinafter set forth, bonds to the amount of two hundred thousand dollars in addition to the amounts

heretofore authorized by law to be issued by said city for the same purposes. Said bonds shall be denominated on the face thereof, Water Bonds of the City of Fall River, and shall bear interest at a rate not exceeding four per centum per annum. Said bonds may be issued to the amount of seventy-five thousand dollars in the present year, and to the amount of twenty-five thousand dollars in each of the five succeeding years, and shall be payable in thirty years from their dates of issue.

SECTION 2. The provisions of chapter twenty-nine of the Public Statutes in regard to the establishment and maintenance of a sinking fund for the redemption of municipal debts shall apply to the loans authorized by this act.

P. S. 29, to
apply.

SECTION 3. This act shall take effect upon its passage.

Approved April 19, 1893.

AN ACT TO AUTHORIZE THE CITY OF MARLBOROUGH TO IMPROVE
AND INCREASE ITS WATER SUPPLY AND TO CONFIRM THE ACTS
OF SAID CITY IN RELATION TO THE SAME.

Chap. 221

Be it enacted, etc., as follows:

SECTION 1. The city of Marlborough, for the purposes of improving and increasing its water supply and securing the purity thereof, may extend and enlarge the basin of Gates pond, otherwise called Lake Williams, situated in said city, and may flow and raise the waters of said pond and the waters of other sources discharged into said basin, to such extent beyond the flowage line now allowed by law as may be deemed advisable for said purposes. Said city make take and hold, by purchase or otherwise, any and all lands, property, water rights and easements that may be necessary for any and all said purposes, and for preventing the pollution of any stream or water source tributary to said Gates pond; and may construct suitable structures, make excavations and embankments, and lay down conduits and pipes and construct such other works and appliances in, upon, over and through said lands as may be necessary for any and all purposes of the water supply of said city. The city of Marlborough shall pay all damages sustained by any person or corporation in property by the taking of any land, water right, easement or other property, or by any other thing done by said city under the authority of this act. Said damages

May improve
and increase
water supply.

Damages.

shall be assessed, determined and recovered in the manner provided by sections three and four of chapter three hundred and eighty-six of the acts of the year eighteen hundred and ninety-two.

Proceedings in the taking of certain lands made valid, etc.

SECTION 2. The proceedings of the city of Marlborough, in relation to the taking for its water supply of certain lands situated in said city and described in the records of the registry of deeds for the southern district of Middlesex county and recorded in libro twenty-one hundred and eighty-one commencing on folio four hundred and forty-one, and in libro twenty-one hundred and sixty-nine commencing on folio five hundred and eighty-one, and in relation to the filing of the statement and description required by law, are hereby declared to be valid, and said city shall have and exercise in relation to said lands so taken the same rights and powers and shall be subject to the same obligations as if the said proceedings were duly authorized by law.

1880, 191; 1892, 386, and amendments, to apply.

SECTION 3. The provisions of said chapter three hundred and eighty-six and of chapter one hundred and ninety-one of the acts of the year eighteen hundred and eighty, and acts in amendment thereof and supplementary thereto, so far as applicable, shall apply to the property, rights and powers pertaining to its water supply, acquired by said city by said taking, referred to in section two of this act, and in like manner to any such property, rights and powers hereafter acquired by it under authority of this act.

SECTION 4. This act shall take effect upon its passage.

Approved April 19, 1893.

Chap. 222 AN ACT TO AUTHORIZE THE TOWN OF WEYMOUTH TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

Weymouth Water Loan not exceeding \$50,000.

SECTION 1. The town of Weymouth, for the purpose of extending its system of water works, as authorized by the provisions of chapter one hundred and seventy-four of the acts of the year eighteen hundred and eighty-one, may, from time to time, during the term of ten years from the passage of this act, issue notes, bonds or scrip, to be denominated on the face thereof, Weymouth Water Loan, to an amount not exceeding fifty thousand dollars in addition to the amount heretofore authorized by law to

be issued by said town for the purposes of the act aforesaid. Said notes, bonds or scrip shall be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the Weymouth water loan by said town: *provided, however*, that the said town may sell said securities at public or private sale, or may pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper; *provided, also*, that the whole amount of such notes, bonds or scrip issued by said town, together with those heretofore authorized to be issued by said town for the purposes named in said chapter one hundred and seventy-four, shall not in any event exceed the sum of four hundred and sixty-five thousand dollars.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved April 19, 1893.

AN ACT TO PROVIDE FOR PRINTING THE REPORTS OF THE TRUSTEES OF THE MASSACHUSETTS HOSPITAL FOR DIPSOMANIACS AND INEBRIATES.

Chap.223

Be it enacted, etc., as follows:

SECTION 1. There shall be printed annually as a public document two thousand copies of the report of the trustees of the Massachusetts hospital for dipsomaniacs and inebriates. Said copies shall be distributed in the same manner as the annual reports of the several lunatic hospitals.

Report of trustees of the Massachusetts hospital for dipsomaniacs and inebriates.

SECTION 2. This act shall take effect upon its passage.

Approved April 19, 1893.

AN ACT RELATIVE TO TRUST DEPOSITS WITH THE TREASURER OF THE COMMONWEALTH.

Chap.224

Be it enacted, etc., as follows:

SECTION 1. No corporation required by law to make a deposit in trust with the treasurer of the Commonwealth shall hereafter deposit, as a part or the whole of said trust deposit, any mortgage of real estate or any loan upon personal note or notes secured by collateral.

Trust deposits with treasurer and receiver general.

SECTION 2. So much of section seventy-nine and section ninety-four of the Massachusetts insurance act of eighteen hundred and eighty-seven, and acts in amendment thereof, as is inconsistent herewith, is hereby repealed.

Repeal.

Treasurer may receive and hold money, certificates, etc., until, etc.

SECTION 3. The treasurer of the Commonwealth may in his discretion receive in trust as a part of such deposit, as required by law of any corporation, money or certificates of deposit, or certified checks on any approved state depository, and may hold the same in trust without interest, until the same may reasonably be invested in a proper legal security.

SECTION 4. This act shall take effect upon its passage.

Approved April 19, 1893.

Chap. 225 AN ACT TO AUTHORIZE CITIES AND TOWNS TO ESTABLISH AND MAINTAIN PUBLIC PLAYGROUNDS.

Be it enacted, etc., as follows :

Public play-grounds may be established and maintained.

SECTION 1. Any city or town in the Commonwealth is hereby authorized to take land and rights in land, in fee or otherwise, within its limits, by gift, purchase, eminent domain or otherwise, or to hire or lease the same for such period and at such annual rental as may be agreed upon, and to hold, preserve and maintain such land as public playgrounds : *provided, however*, that no land shall be purchased, taken or hired for this purpose until an appropriation sufficient to cover the estimated expense thereof shall, in a city, have been made by the city council, or in a town, by a legal town meeting. When a park commission constituted under the laws of this Commonwealth exists, or is hereafter established, in a city or town, the powers and duties granted or imposed by this act and other acts hereafter passed with reference to public playgrounds shall be exercised through such park commission.

Proviso.

Powers and duties of park commission.

Damages.

SECTION 2. The city or town, or its park commissioners, if any, shall estimate and determine as near as may be all damages sustained by any person or corporation by the taking of land or by other acts in execution of the powers herein granted ; but any party aggrieved by such determination may have the damages assessed in the manner provided by law with respect to damages sustained by reason of the laying out of ways. If upon trial damages shall be increased beyond the award the party shall recover costs ; otherwise he shall pay costs ; and costs shall be taxed as in civil cases. Within sixty days after the taking of any land under this act, the city or town, or park commission, as the case may be, shall file and cause

A description of land taken, etc., to be recorded in registry of deeds.

to be recorded in the proper registry of deeds a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken; and no suit for damages shall be brought after the expiration of two years from the date of such recording.

SECTION 3. Any town or city, except the city of Boston, in order to meet the expense of acquiring land for the purposes of this act, may incur indebtedness beyond the limit of indebtedness fixed by law, and may issue bonds, notes or scrip therefor. But the indebtedness so incurred beyond the debt limit shall not exceed one half of one per cent. of the assessed valuation of said town or city. The securities so issued shall be payable within thirty years from the date thereof, and it shall not be necessary to establish a sinking fund for the payment of the same unless the town or city shall so vote. The provisions of chapter twenty-nine of the Public Statutes and of acts in amendment thereof and addition thereto shall, except as herein otherwise provided, apply to the indebtedness hereby authorized and the securities issued hereunder.

Indebtedness may be incurred beyond debt limit, etc.

P. S. 29, and amendments, to apply.

SECTION 4. This act shall take effect upon its passage.

Approved April 19, 1893.

AN ACT RELATING TO THE INCORPORATION OF CLUBS.

Be it enacted, etc., as follows:

Chap. 226

SECTION 1. Section one of chapter four hundred thirty-nine of the acts of the year eighteen hundred and ninety is hereby amended by striking out the word "shall", in the fifth line, and inserting in place thereof the word:— may, — and by inserting after the word "board", in the twenty-sixth line, the words:— or otherwise, — so as to read as follows:— *Section 1.* Before the secretary of the Commonwealth shall make and issue the certificates provided for in chapter one hundred and fifteen of the Public Statutes, relative to the incorporation of any of the societies named in section two of said chapter, he may forward a statement to the selectmen of the town or to the mayor and aldermen of the city, except in the city of Boston to the board of police, in the town or city in which such society is to have its principal office or rooms, giving a list of the names of the persons who have asked to be incorporated, the purpose of the organization stated by the applicants, the location proposed to be occupied, and all other facts which may be set forth in the application

1890, 439, §1, amended.

Secretary of the Commonwealth may send statement to mayor and aldermen, selectmen, etc.

Selectmen,
mayor and
aldermen, etc.,
to investigate
and report.

Certificate of
incorporation
may be refused.

1890, 439, §2,
amended.

Selectmen,
mayor and
aldermen, etc.,
to give notice
of conviction
of members of
clubs, etc.

Charter of club
to be declared
void.

for incorporation. It shall be the duty of the selectmen or mayor and aldermen, or board of police of the city of Boston, receiving the statement described above from the secretary of the Commonwealth, to immediately make an investigation, inquiring whether any of the proposed incorporators have been engaged in the illegal selling of intoxicating liquors or in keeping places or tenements used for the purpose of illegal gaming, or whether they have been engaged in any other business or vocation prohibited by law; and the said board shall forthwith make a report to the secretary of the Commonwealth, setting forth all the facts ascertained. If, in the opinion of the secretary of the Commonwealth, it shall appear from the report of said board, or otherwise, that the probable purpose of the formation of the proposed organization is to cover any illegal business, then the secretary of the Commonwealth shall refuse to issue his certificate, and the organization shall not be incorporated.

SECTION 2. Section two of chapter four hundred thirty-nine of the acts of the year eighteen hundred and ninety is hereby amended by inserting after the word "premises", in the seventh line, the words: — or whenever satisfactory evidence shall appear that the premises occupied by such club or organization are used for the illegal sale of intoxicating liquors, or for illegal gaming, — so as to read as follows: — *Section 2.* Whenever any person connected with any club or organization hereafter incorporated, described in section two, chapter one hundred and fifteen of the Public Statutes, is convicted of exposing and keeping for sale or of selling intoxicating liquor upon the premises occupied by said club or organization, or of illegal gaming upon said premises, or whenever satisfactory evidence shall appear that the premises occupied by such club or organization are used for the illegal sale of intoxicating liquors, or for illegal gaming, the selectmen of the town or the mayor and aldermen of the city, except in the city of Boston the board of police, within the town or city where such club or organization is situated shall immediately notify the secretary of the Commonwealth, and he shall upon receipt of such notice declare the charter of said club void; and the secretary of the Commonwealth shall publish a notice, in at least one newspaper published in the county where said club or organization is situated, that such incorporation is void and of no further effect.

Approved April 19, 1893.

AN ACT RELATIVE TO THE SALE OF DRUGS AND MEDICINES.

Chap.227

Be it enacted, etc., as follows:

Section nine of chapter three hundred and thirteen of the acts of the year eighteen hundred and eighty-five is hereby amended by inserting after the word "purposes", in the fourth line, the words: — or shall keep or expose for sale, — so that said section as amended shall read as follows: — *Section 9.* Whoever not being registered as aforesaid shall, by himself or his agent or servant, unless such agent or servant is so registered, retail, compound for sale or dispense for medicinal purposes, or shall keep or expose for sale, drugs, medicines, chemicals or poisons, shall be punished by a fine not exceeding fifty dollars. But nothing in this act shall be construed to prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist.

1885, 313, §9,
amended.

Penalty on persons not registered as pharmacists for selling, etc., drugs and medicines.

Employment of apprentices, etc.

Approved April 19, 1893.

AN ACT TO CONFIRM THE PROCEEDINGS OF THE ANNUAL TOWN MEETING OF THE TOWN OF LAKEVILLE.

Chap.228

Be it enacted, etc., as follows:

The proceedings of the annual town meeting of the town of Lakeville, held on the twentieth day of March in the year eighteen hundred and ninety-three, shall not be invalid by reason of any failure to use a proper check list in the choice of moderator for said meeting; and the proceedings of said meeting are hereby ratified, confirmed and made legal.

Proceedings of town meeting confirmed.

Approved April 19, 1893.

AN ACT TO INCORPORATE THE JAMAICA PLAIN TRUST COMPANY.

Chap.229

Be it enacted, etc., as follows:

SECTION 1. Joseph Stedman, George Faulkner, Mark R. Wendell, John R. Alley, Henry R. Reed, Thomas P. Proctor, Thomas L. Livermore, Charles B. Cummings, John M. Call and E. Peabody Gerry, their associates and successors, are hereby made a corporation by the name of the Jamaica Plain Trust Company, with authority to establish and maintain a safe deposit, loan and trust company, in that part of the city of Boston called Jamaica Plain; with all the powers and privileges and subject to

Jamaica Plain Trust Company incorporated.

all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1893.

Chap.230 AN ACT RELATIVE TO THE BUSINESS OF SAVINGS BANKS, INSTITUTIONS FOR SAVINGS AND TRUST COMPANIES.

Be it enacted, etc., as follows :

Advertising or transacting business as a savings bank prohibited, except, etc.

SECTION 1. No bank, and no person or persons, association or body corporate, except savings banks and institutions for savings, incorporated under the laws of the Commonwealth, and trust companies so incorporated previous to the first day of January in the year eighteen hundred and ninety-three, which are organized and doing business on the first day of October in said year, shall advertise or put forth a sign as a savings bank, or in any way solicit or receive deposits as a savings bank. Every bank, association, corporation or person violating this provision shall forfeit for every offence the sum of one hundred dollars for every day such offence shall be continued.

Penalty.

To take effect Oct. 1, 1893.

SECTION 2. This act shall take effect on the first day of October in the year eighteen hundred and ninety-three.

Approved April 20, 1893.

Chap.231 AN ACT TO ESTABLISH THE SALARY OF THE ADDITIONAL CLERK IN THE OFFICE OF THE ADJUTANT GENERAL.

Be it enacted, etc., as follows :

Salary established.

SECTION 1. The salary of the additional clerk in the office of the adjutant general shall be two thousand dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-three.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1893.

Chap.232 AN ACT RELATIVE TO THE FAIRHAVEN WATER COMPANY.

Be it enacted, etc., as follows :

1888, 196; 1889, 381, revived and continued in force.

SECTION 1. Chapter one hundred and ninety-six of the acts of the year eighteen hundred and eighty-eight, entitled, an act to incorporate the Fairhaven Water Company, and chapter three hundred and eighty-one of the acts of the

year eighteen hundred and eighty-nine, entitled, an act to authorize the Fairhaven Water Company to increase its capital stock and to take an additional source of water supply, are hereby revived and continued in force.

SECTION 2. The town of Fairhaven shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation, on payment to said corporation of the actual cost of its franchise, works and property of all kinds held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of said purchase or taking, as herein provided, at the rate of five per cent. per annum. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation or company for that year, then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total cost. An itemized statement of the receipts and expenditures of the said corporation shall be annually submitted to the selectmen of the town of Fairhaven, and by said selectmen to the citizens of said town. If said corporation has incurred indebtedness, the amount of such indebtedness outstanding at the time of such taking shall be assumed by said town and shall be deducted from the amount required to be paid by said town to said corporation under the foregoing provisions of this section. This authority to purchase such franchise and property is granted on condition that the purchase is assented to by said town by a two thirds vote of the voters of said town present and voting thereon at a meeting legally called for that purpose.

Town of Fairhaven may take franchise, property, etc., at any time.

Statement of receipts and expenditures to be made annually.

Purchase to be assented to by a two thirds vote.

SECTION 3. The time within which work was to be commenced as provided in said chapter one hundred and ninety-six of the acts of the year eighteen hundred and eighty-eight, and said chapter three hundred and eighty-one of the acts of the year eighteen hundred and eighty-nine, is hereby extended for a term of two years from the passage of this act.

Work to be commenced within two years.

SECTION 4. All acts done or attempted to be done by the said Fairhaven Water Company, or by the corporators or stockholders of said company, between the ninth day of April in the year eighteen hundred and ninety and the

Certain proceedings confirmed.

date of the passage of this act, are hereby confirmed and made valid to the same extent as though the said corporation had been during that time legally existing.

SECTION 5. This act shall take effect upon its passage.

Approved April 24, 1893.

Chap.233 AN ACT TO AUTHORIZE THE CITY OF NEWTON TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR SEWERAGE PURPOSES.

Be it enacted, etc., as follows:

May incur indebtedness beyond debt limit for sewerage purposes.

SECTION 1. The city of Newton, for the purpose of making and constructing main drains and common sewers, may incur indebtedness to an amount not exceeding seven hundred and fifty thousand dollars beyond the limit of indebtedness fixed by law, and may from time to time issue bonds, notes or scrip therefor, payable in periods not exceeding thirty years from the date of issue; but the provisions of chapter twenty-nine of the Public Statutes and acts in amendment thereof or supplementary thereto, shall otherwise apply to the issue of such bonds, notes or scrip and to the establishment of a sinking fund for the payment thereof at maturity.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1893.

Chap.234 AN ACT TO INCORPORATE THE RHODE ISLAND AND MASSACHUSETTS CHRISTIAN BENEVOLENT SOCIETY.

Be it enacted, etc., as follows:

The Rhode Island and Massachusetts Christian Benevolent Society incorporated.

SECTION 1. Isaac H. Coe, John McCalman, Charles R. Sherman, William B. Sherman, Ambrose E. Luce, Isaiah Wood and Benjamin S. Batchelor, their associates and successors, are hereby made a corporation by the name of The Rhode Island and Massachusetts Christian Benevolent Society, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or hereafter may be in force relating to such corporations, so far as the same may be applicable.

Purposes of corporation.

SECTION 2 The object of this corporation shall be to collect, receive and hold moneys given by contribution, donation, bequest or otherwise; and the same shall be exclusively expended for the purpose of affording assistance to ministers of the gospel who are or may hereafter

become members of said benevolent society, and of the Rhode Island and Massachusetts Christian Conference, and also ministerial life members of said society, who may by sickness or other misfortunes become needy, and to aid the widows and orphans of such ministers.

SECTION 3. Said corporation is hereby authorized to hold real and personal estate to an amount not exceeding thirty thousand dollars, to be devoted to the objects here-
before set forth.

May hold prop-
erty not ex-
ceeding \$30,000.

SECTION 4. Said corporation is hereby authorized to hold its meetings within the states of Massachusetts, Rhode Island and Connecticut.

Places of
meeting.

SECTION 5. This act shall take effect upon its passage.

Approved April 24, 1893.

AN ACT RELATIVE TO QUALIFICATIONS FOR MEMBERSHIP IN THE
THURBER MEDICAL ASSOCIATION.

Chap.235

Be it enacted, etc., as follows :

SECTION 1. Section two of chapter fifteen of the acts of the year eighteen hundred and fifty-nine is hereby amended by inserting in the first line of said section, after the word "shall", the word : — hereafter, — also by striking out in the second and third lines, the words "member of the Massachusetts Medical Society", and inserting in place thereof the words : — physician in good standing and a graduate of a regular accredited medical college, — so as to read as follows : — *Section 2.* No person shall here-
after be admitted a member of this association unless he shall be a physician in good standing and a graduate of a regular accredited medical college.

1859, 15, §2,
amended.

Persons who
may be admit-
ted as members.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1893.

AN ACT TO AUTHORIZE THE TOWN OF ANDOVER TO ELECT A
BOARD OF SEWER COMMISSIONERS.

Chap.236

Be it enacted, etc., as follows :

SECTION 1. The town of Andover, at any meeting called for the purpose, may elect a board of sewer commissioners to consist of three persons, to hold office for one year, two years and three years, respectively, from the date of the meeting at which they are elected, if the same is an annual meeting, and if they are elected at a

Board of sewer
commissioners,
elections, terms
of office, etc.

special meeting they shall hold office until one, two and three years, respectively, from the annual meeting next following their election, and in either case until their successors are chosen; and at each annual town meeting when the term of one of said commissioners expires said town shall elect one member of said board to serve for three years, or until his successor is elected. If a vacancy shall occur in said board said town may, at any meeting called for the purpose, elect a person to fill said vacancy. In all matters concerning drains and sewers said board of commissioners shall have all the powers and be subject to all the duties, liabilities and penalties which are now or may hereafter be conferred or imposed by general laws upon selectmen or road commissioners.

Powers, duties,
liabilities, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1893.

Chap. 237 AN ACT TO COMPEL COMPLIANCE WITH THE LAW REQUIRING RELIEF TO BE FURNISHED TO INDIGENT SOLDIERS AND SAILORS AND THEIR FAMILIES.

Be it enacted, etc., as follows:

Mayor and
aldermen or
selectmen to
furnish soldier's
relief to persons
entitled thereto.

SECTION 1. In cases where a person is entitled to soldier's relief from a city or town, under the provisions of chapter four hundred and forty-seven of the acts of the year eighteen hundred and ninety, it shall be the duty of the mayor and aldermen of such city, or the selectmen of such town, to furnish such relief, without vote of the city council or of the voters of such town authorizing them thereto. If the mayor and aldermen or the selectmen fail to furnish such relief, any person aggrieved may make complaint to the district attorney of the district in which such city or town is situated, who shall forthwith notify said officials that complaint has been made to him, which notice, in the case of cities shall be sufficient if delivered to the mayor, and in the case of towns if delivered to a majority of the selectmen. And if the case is one proper for the granting of relief under said act, and said selectmen or said mayor and aldermen fail to grant such relief within ten days after notice from the district attorney, as aforesaid, said selectmen so notified and said mayor and aldermen shall severally be liable to a penalty of not exceeding one hundred dollars and not less than twenty dollars, and the district attorney shall forthwith, upon

Proceedings in
case of failure
to furnish relief.

Penalty.

the expiration of said ten days, institute proceedings for the enforcement of such penalty.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1893.

AN ACT IN RELATION TO THE JURISDICTION OF COUNTY COMMISSIONERS.

Chap. 238

Be it enacted, etc., as follows:

SECTION 1. When a petition shall be presented to the county commissioners in any county, and the board then in session is so constituted that one of its members would be disqualified to hear and determine the subject-matter of said petition, by the provisions of section seventeen of chapter twenty-two of the Public Statutes, the said board shall have power to receive said petition, take a recognizance, and issue an order of notice thereon, anything in the provisions of said section and chapter to the contrary notwithstanding.

Proceedings of county commissioners when a commissioner is disqualified by P. S. 22, § 17.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1893.

AN ACT TO INCORPORATE THE NEWBURYPORT BOARD OF TRADE.

Chap. 239

Be it enacted, etc., as follows:

SECTION 1. Albert C. Titcomb, George W. Richardson, George H. Plummer, Elisha P. Dodge, Philip K. Hill, Thomas E. Cutter, John N. Pike, John H. Balch, jr., William Holker, James H. Higgins, William J. Creasey, William G. Fisher, Lawrence W. Piper, James W. Watson, Hale Knight, Fred E. Smith, their associates and successors, are hereby made a corporation by the name of the Newburyport Board of Trade, for the purpose of promoting trade and manufactures in the city of Newburyport and its vicinity; with all the power and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force applicable to such corporations: *provided, however,* that this act shall not be construed to authorize said corporation to traffic in goods, wares or merchandise of any description.

Newburyport Board of Trade incorporated.

Not to traffic in goods, etc.

SECTION 2. Said corporation may hold real and personal property to an amount not exceeding fifty thousand dollars, to be used for the purposes of said corporation,

May hold property not exceeding \$50,000, etc.

and the said corporation may issue bonds, and may execute mortgages upon its real estate to an amount not exceeding the value of such real estate and the improvements thereon.

SECTION 3. This act shall take effect upon its passage.

Approved April 24, 1893.

Chap. 240 AN ACT TO SUPPLY THE TOWN OF WEST BRIDGEWATER WITH WATER.

Be it enacted, etc., as follows:

Town of West
Bridgewater
may supply
itself with
water.

SECTION 1. The town of West Bridgewater may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, relocate or discontinue the same; may regulate the use of such water and fix and collect rates to be paid for the use of the same.

May take
waters, lands,
etc.

SECTION 2. The said town, for the purposes aforesaid, may take, by purchase or otherwise, and hold the waters of any ponds, springs, streams, artesian or driven wells, or filter galleries, within the limits of said town of West Bridgewater, and the water rights and water sources connected therewith; and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town of West Bridgewater; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads, or public or private ways, and along any such way in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon.

May erect build-
ings, lay down
pipes, etc.

To cause to be
recorded in
registry of

SECTION 3. The said town shall, within sixty days after the taking of any lands, rights of way, water rights,

water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district within which the same are situated, a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same were taken, signed by the water commissioners hereinafter provided for.

deeds a description of lands, etc., taken.

SECTION 4. The said town shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or any other thing done by said town, by the city of Brockton, or by the Bridgewater Water Company, under the authority of this act. Any person or corporation entitled to damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, by making application at any time within the period of three years from the taking of such land or other property or the doing of any other injury under the authority of this act; but no application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Damages.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to any amount not exceeding in the aggregate sixty thousand dollars; such bonds, notes and scrip shall bear on their face the words, West Bridge-water Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum and shall be signed by the treasurer and be countersigned by the selectmen of the town. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, and upon such terms and conditions as it may deem proper. The said town shall pay the interest on said loan as it accrues, and shall provide at the time of contracting said loan for the

West Bridge-water Water Loan not exceeding \$60,000.

Sinking fund.

establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Annual proportionate payments.

SECTION 6. The said town, instead of establishing a sinking fund, may at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall, without further vote, be assessed by the assessors of said town in each year thereafter, until the debt incurred by said town shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Return of amount of sinking fund or annual payments.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and, if none is established, whether action has been taken in accordance with the provisions of section six of this act; and shall also state the amounts raised and applied thereunder for the current year.

Payment of expenses, interest on loan, etc.

SECTION 8. The said town shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Penalty for wilful corruption or diversion of water, etc.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Water commissioners, election, terms of

SECTION 10. The said town shall, after the acceptance of this act, at a legal meeting called for the purpose elect

by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. The said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative to both water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

office, powers,
duties, etc.

SECTION 11. The preceding sections of this act shall take effect upon their acceptance by a two thirds vote of the voters of said town present and voting thereon at any legal town meeting called for the purpose within three years from its passage; but the number of such meetings shall not exceed three in any one year. At such meetings the votes shall be taken by written or printed ballots, and the polls shall be kept open at least four hours. At such meetings the selectmen shall preside, and in receiving said ballots the check list shall be used in the same manner as it is used at elections of national, state and county officers.

Sections 1-10
take effect upon
acceptance, etc.

SECTION 12. The said town of West Bridgewater may at any time contract with the city of Brockton or with the Bridgewaters Water Company, or with both, for a supply of water for the use of said town and its inhabitants, for the extinguishment of fires and for domestic and other purposes, upon terms to be mutually agreed between the parties so contracting, and may make connections of its conduits or pipes with those of said city or said water company, either or both, as may be necessary for the purpose. And said city and said water company are authorized to make such contracts and connections, and to furnish water to said town for the purposes aforesaid, from any source from which they are authorized to take water by any law of this Commonwealth.

Town may con-
tract with city
of Brockton and
Bridgewater's
Water Com-
pany for water
supply.

City or water company may construct and lay conduits, pipes, etc.

SECTION 13. If said town of West Bridgewater shall contract with said city or with said water company for a supply of water as provided in the preceding section, then the said city or said water company, either or both, as the case may be, may construct, erect and lay conduits, hydrants, pipes and other works in, on, under or over any water course, railroad, public or private way, and along such ways in said West Bridgewater in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, repairing and maintaining such conduits, hydrants, pipes and other works, and for all purposes of this act, the said city and the said water company, under the direction of the selectmen of said town, with the consent of said town first obtained, may dig up said ways and may dig under such railroad and water courses in such manner as to cause the least hindrance to the public travel on such ways and such railroad, and obstruction to such water courses.

Town may take conduits, pipes, etc., at any time.

SECTION 14. In case the said city or the said water company shall construct conduits, hydrants, pipes or other works in said town of West Bridgewater, as provided in the two preceding sections, the said town of West Bridgewater shall have the right at any time to take, by purchase or otherwise, the conduits, hydrants, pipes and other works constructed and put in by said city or by said water company, with or without the right to receive water through said conduits or pipes from said city or said water company, upon such terms and at such price as may have been agreed upon before said conduits, pipes, hydrants and other works were constructed and put in, between said town and said city or said water company, or at a price which may be mutually agreed upon between said parties; and the said city and the said water company are authorized to make sale of the same to the said town. If the said town and said city of Brockton, or the said town and said water company, as the case may be, are unable to agree upon the compensation to be paid to the said city or the said water company by said town, upon such taking, then the compensation to be paid in such case by said town shall be determined by three commissioners to be appointed by the supreme judicial court, upon application of either party and due notice to the other, whose award when accepted by said court shall be binding upon all parties.

This authority to take, by purchase or otherwise, said conduits, hydrants, pipes and other works which may have been constructed and put in by said city or by said water company, under the provisions of this act, is granted on the condition that such taking is authorized or assented to by a two thirds vote of the voters of said town present and voting at a meeting called for that purpose.

Taking to be assented to by a two thirds vote.

SECTION 15. The said town, said city and said water company are authorized to enter into any contracts necessary to carry into effect the provisions of this act.

Authority given to enter into contracts.

SECTION 16. This act, except as otherwise provided herein, shall take effect upon its passage.

When to take effect.

Approved April 24, 1893.

AN ACT RELATING TO PERSONS IMPRISONED FOR NON-PAYMENT OF A POLL TAX.

Chap.241

Be it enacted, etc., as follows:

SECTION 1. Section eighteen of chapter three hundred and ninety of the acts of the year eighteen hundred and eighty-eight is hereby amended by adding thereto the following words: — But a person imprisoned for non-payment of a poll tax shall not be detained in prison more than twenty days, — so as to read as follows: — *Section 18.* If a person refuses or neglects for fourteen days after demand to pay his tax, and the collector cannot find sufficient goods upon which it may be levied, he may take the body of such person and commit him to prison, there to remain until he pays the tax and charges of commitment and imprisonment, or is discharged by order of law. But a person imprisoned for non-payment of a poll tax shall not be detained in prison more than twenty days.

1888, 390, §18, amended.

Person may be imprisoned for non-payment of a poll tax.

Imprisonment not to exceed twenty days.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1893.

AN ACT TO CHANGE THE NAME OF THE SECOND CONGREGATIONAL RELIGIOUS SOCIETY OF WEYMOUTH.

Chap.242

Be it enacted, etc., as follows:

SECTION 1. The name of the Second Congregational Religious Society of Weymouth is hereby changed to the Old South Congregational Religious Society of Weymouth.

Name changed.

SECTION 2. All devises, bequests, conveyances and gifts heretofore or hereafter made to said corporation by

All devises, etc., to vest in Old South Congre.

gational
Religious
Society of
Weymouth.

either of said names shall vest in the Old South Congregational Religious Society of Weymouth.

SECTION 3. This act shall take effect upon its passage.

Approved April 24, 1893.

Chap.243 AN ACT TO REQUIRE THE CONSTRUCTION OF A RAILROAD PASSENGER STATION IN THE TOWN OF UXBRIDGE.

Be it enacted, etc., as follows:

Construction
of a railroad
passenger
station in Ux-
bridge.

SECTION 1. The Providence and Worcester Railroad Company is hereby required to construct, in the town of Uxbridge, a passenger station which shall be satisfactory to the board of railroad commissioners. Such construction shall be commenced on or before the first day of July in the year eighteen hundred and ninety-three, or such later day as the railroad commissioners may fix, and shall be completed within six months thereafter, unless the railroad commissioners shall upon hearing extend the time for such construction.

Penalty for
delay in com-
pletion of
station, etc.

SECTION 2. Said railroad company shall forfeit to the Commonwealth two hundred dollars for each month's delay in the completion of said station after the first day of January in the year eighteen hundred and ninety-four, or after the expiration of such further time as the railroad commissioners may upon hearing prescribe, and the supreme judicial court shall have jurisdiction, upon the petition of ten or more citizens of Uxbridge, to enforce the provisions of this act.

Approved April 24, 1893.

Chap.244 AN ACT REQUIRING THE COUNTY COMMISSIONERS OF THE COUNTY OF ESSEX TO LAY OUT AND CONSTRUCT A FOOTWAY BETWEEN HAVERHILL AND BRADFORD.

Be it enacted, etc., as follows:

County com-
missioners to
lay out and con-
struct a footway
between Haver-
hill and Brad-
ford.

SECTION 1. The county commissioners for the county of Essex shall, as soon as possible after the passage of this act and before the first day of November in the year eighteen hundred and ninety-three, lay out and construct a footway for the common use of foot passengers, from a point on Elm street in Bradford in said county, over the Newburyport branch of the Boston and Maine Railroad, to and across the Merrimac River, to a point on Washington street near the east side of the crossing of the Boston and

Maine Railroad in Haverhill in said county; and for that purpose may attach a sidewalk to the bridge of the Boston and Maine Railroad over the Merrimac river between Haverhill and Bradford, which sidewalk shall be a part of said footway and shall be so built as not to endanger the safety of said bridge. The manner of construction and position of attachment of said sidewalk to said bridge shall be subject to the approval of the railroad commissioners.

To be approved by railroad commissioners.

SECTION 2. To secure and accomplish the objects of the preceding section, and for the purpose of obtaining convenient approaches to said sidewalk, said county commissioners may take such lands, buildings and wharves of any person or corporation, as they may deem necessary: *provided*, that they shall not take up or remove any track now laid or building or structure now erected by the Boston and Maine Railroad, except with the consent of the directors of said railroad, nor erect or place any structure over any track of said railroad which shall prevent the convenient passage of trains thereon, nor shall any part of said footway be laid out or constructed to cross any track of said railroad at grade.

County commissioners may take lands, etc.

Proviso.

SECTION 3. Said county commissioners shall, within sixty days after the taking of any lands, buildings or wharves as aforesaid, and within sixty days after the erection of any structure on or over any lands, buildings or wharves as aforesaid, other than by agreement with the owner thereof, file and cause to be recorded in the registry of deeds for the southern district of Essex county, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken or used, signed by the chairman of said commissioners.

To cause to be recorded in registry of deeds a description of lands, etc., taken.

SECTION 4. Any person or corporation sustaining damages in property by reason of any doings of said county commissioners under the authority of the preceding sections, who fails to agree with said commissioners as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application, at any time after said doings, of the county commissioners, and within a period of twelve months from the filing of the description and statement provided for in the preceding section; but no application shall be made

Damages.

after the expiration of said twelve months. In assessing the damages to be recovered by said Boston and Maine Railroad said railroad shall be entitled to recover all damages resulting from the attachment of said sidewalk to said bridge, as well as all other damages.

Subject to requirements, etc., of railroad commissioners and harbor and land commissioners, etc.

SECTION 5. In the location and construction of such footway, including said sidewalk and approaches, said county commissioners shall conform to such requirements as may be made by the board of railroad commissioners and board of harbor and land commissioners, in the premises, and shall not proceed to the location and construction of the same until the plans therefor have been approved by said board of railroad commissioners and board of harbor and land commissioners. Said footway shall not, in any part where it is attached to said bridge, be more than four feet wide; shall be planked, and shall in all parts thereof have good and sufficient rails or fences to secure the safety of travellers thereon, and where it crosses any track of said railroad, or of the Newburyport branch thereof, shall be constructed at least twenty feet above said track.

Boston and Maine Railroad to allow footway to be attached to its bridge, etc.

SECTION 6. The Boston and Maine Railroad is hereby required to allow the said county commissioners to lay out said footway and to attach said sidewalk to its bridge over the Merrimac river between Haverhill and Bradford, as provided for in this act.

Railroad corporation not liable for expenses, damages, etc.

SECTION 7. The Boston and Maine Railroad shall not be liable for the cost of building or maintaining said footway, or for damages for bodily injuries sustained by any person while travelling on said footway or while entering upon or leaving the same. Nothing in this act shall be construed in any way to affect or impair the obligations imposed upon said railroad by chapter two hundred and sixty-five of the acts of the year eighteen hundred and eighty-one.

Payment of cost of construction.

SECTION 8. The said county commissioners are authorized to receive and expend for the construction of said footway such sum or sums as may be raised for that purpose by private subscription, if any, and shall, after due notice to all parties interested and after a hearing of all such parties, proceed to apportion and assess upon the city of Haverhill and the town of Bradford the remaining cost of locating and constructing said footway, including said approaches and sidewalk, over and above the amount

received from private subscription, and in case no such amount is received, the entire cost thereof, in such proportion as they shall deem just and equitable. Said county commissioners shall also determine what proportion said city and town shall annually pay for the cost of repairs and maintenance of said footway, including said approaches and sidewalk, and of any sums paid for damages resulting from defects or want of repair in any part of said footway, and of any expense on account of said damages, and which shall have the care of the repairs and maintenance of said footway, including said approaches and sidewalk. In case at any time said bridge shall be reconstructed, or any alterations shall be made in said bridge requiring a change in said sidewalk as attached to said bridge, the city of Haverhill and the town of Bradford, in proportions to be fixed by said county commissioners, shall pay all expense of said alterations, remodelling or rebuilding of the said sidewalk.

Apportionment of expense of repairs, maintenance, alterations, damages, etc.

SECTION 9. The treasurer of the city or town having the care of the repairs and maintenance of said footway, including said approaches and sidewalk, and paying therefor out of the treasury of said city or town, shall make a sworn statement to the said county commissioners of the annual expense thereof, including any sums paid for damages, and of any expense on account of such damages, on or before the first day of January in each year, and the city or town shall be entitled to recover in an action of contract from said other city or town the proportion said city or town should pay.

Annual statement of expenses; recovery of proportion from city or town.

SECTION 10. The county commissioners of the said county of Essex are hereby authorized to borrow on the credit of said county such sums of money as may be necessary to comply with the provisions of this act.

County commissioners may borrow money, etc.

SECTION 11. This act shall take effect upon its passage.

Approved April 24, 1893.

AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO INCUR INDEBTEDNESS FOR SEWERAGE PURPOSES BEYOND THE LIMIT FIXED BY LAW.

Chap. 245

Be it enacted, etc., as follows :

SECTION 1. The city of Brockton, for the purpose of constructing a system of sewerage and of sewage disposal, and for the purchase of lands necessary thereto, is hereby authorized to incur indebtedness in addition to the amount

May incur indebtedness beyond debt limit for sewerage purposes.

Annual proportionate payments.

heretofore authorized to an amount not exceeding one hundred thousand dollars beyond the limit of indebtedness fixed by law, and may issue bonds, notes or scrip therefor. Said city shall provide for the payment of said indebtedness by fixed annual proportionate payments, the first of said payments to be made not later than ten years from the date of incurring said indebtedness, and similar payments to be made in each year thereafter; the aggregate amount of said annual payments shall be sufficient to extinguish the total indebtedness within the time required by law. The sinking fund of any loan of said city may be invested in securities issued under this act.

P. S. 29, and amendments, to apply.

SECTION 2. The provisions of chapter twenty-nine of the Public Statutes, and of acts in amendment thereof and addition thereto, except so far as the same relate to sinking funds, and except as otherwise provided herein, shall apply to the indebtedness authorized by this act and the securities issued hereunder.

SECTION 3. This act shall take effect upon its passage.

Approved April 24, 1893.

Chap. 246 AN ACT RELATING TO THE MANUFACTURE AND SALE OF CLOTHING MADE IN UNHEALTHY PLACES.

Be it enacted, etc., as follows:

Dwelling where clothing is made, etc., to be deemed a workshop; notice to be given, etc.

SECTION 1. Whenever any house, room or place used as a dwelling, is also used for the purpose of carrying on any process of making, altering, repairing or finishing for sale any ready-made coats, vests, trousers, overcoats or any wearing apparel of any description whatsoever, intended for sale, it shall, within the meaning of this act, be deemed a workshop; and every person so occupying or having control of any workshop as aforesaid shall, within fourteen days from the passage of this act or from the time of beginning work in any workshop as aforesaid, notify the chief of the district police or the special inspector appointed for that purpose, of the location of such workshop, the nature of the work there carried on, and the number of persons therein employed; the exercise of such work in a private house or private room however by the family dwelling therein, or by any of them, shall not of itself constitute such house or room a workshop within this definition: *provided*, that such family or any member of such family engaged in the process of making, altering,

License to be procured, etc.

repairing or finishing for sale any such coats, vests, trousers, overcoats or any wearing apparel of any description whatsoever, intended for sale, in a private house or private room used as a dwelling as aforesaid, shall before beginning such work procure a license, approved by the chief of the district police, upon the recommendation of the inspectors especially appointed for the enforcement of the provisions of this act; and no person, contractor, firm or corporation shall give to any person not holding said license any such garments or articles of wearing apparel, intended for sale, to be made in any private house or room as aforesaid; and every such workshop, and every such private house or private room shall be kept in a cleanly state and shall be subject to the provisions of this section; and each of said garments made, altered, repaired or finished for sale in any of such workshops, private houses or rooms shall be subject to the inspection and examination of the inspectors of the district police, for the purpose of ascertaining whether said garments or any of them, or any part or parts thereof, are in cleanly condition and free from vermin and every matter of an infectious or contagious nature.

To be kept in a cleanly state; garments subject to inspection.

SECTION 2. If said inspector finds evidence of infectious disease present in any workshop, or in goods manufactured or in the process of manufacture therein, he shall report the same to the chief of the district police, who shall then notify the state board of health to examine said workshop and the materials used therein; and if said board shall find said shop in an unhealthy condition, or the clothing and materials used therein to be unfit for use, said board shall issue such order or orders as the public safety may require.

State board of health to be notified of evidence of infectious disease, etc.

SECTION 3. Whenever it shall be reported to said inspector, or to the chief of the district police, or to the state board of health, or either of them, that ready-made coats, vests, trousers or overcoats are being shipped to this Commonwealth, having previously been manufactured in whole or in part under unhealthy conditions, said inspector shall examine said goods and the condition of their manufacture, and if upon such examination said goods or any of them are found to contain vermin, or to have been made in improper places or under unhealthy conditions, he shall make report thereof to the state board of health, which board shall thereupon make such order or orders as the safety of the public shall require.

Clothing shipped to this Commonwealth to be inspected, etc.

Label to be attached to tenement-made clothing.

SECTION 4. Whoever knowingly sells or exposes for sale any ready-made coats, vests, trousers or overcoats which have been made in a tenement house used as a workshop, as specified in section one of this act, shall have affixed to each of said garments a tag or label, not less than two inches in length and one inch in width, upon which shall be legibly printed or written the name of the state and the city or town where said garment or garments were made.

Garments not to be sold without a label, etc.

SECTION 5. No person shall sell or expose for sale any of said garments without a tag or label, as aforesaid, affixed thereto, nor shall sell or expose for sale any of said garments with a tag or label in any manner false or fraudulent, nor shall wilfully remove, alter or destroy any such tag or label upon any of said garments when exposed for sale.

Penalty.

SECTION 6. Whoever violates any of the provisions of this act shall forfeit for each offence not less than fifty dollars nor more than one hundred dollars.

Approved April 24, 1893.

Chap. 247 AN ACT AUTHORIZING ASSESSORS IN CITIES OF LESS THAN ONE HUNDRED THOUSAND INHABITANTS TO USE THE VALUATION OF THE YEAR PRECEDING AS A BASIS OF TAXATION.

Be it enacted, etc., as follows:

Tax rate in certain cities, may be based on valuation of preceding year.

SECTION 1. In every city containing less than one hundred thousand inhabitants the taxes assessed on property, exclusive of state tax, county tax, and sums required by law to be raised on account of city debt, shall not exceed in any year twelve dollars on every one thousand dollars of the assessors' valuation of the taxable property therein for the preceding year, said valuation being first reduced by the amount of all abatements allowed thereon previous to the thirty-first day of December in the year preceding said assessment, and any order or appropriation requiring a larger assessment than is herein limited shall be void; but the city council of any city coming within the provisions of this act may, in any year, decide that the taxes assessed shall be raised in accordance with the provisions of section one of chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-five.

City council may decide that taxes shall be raised in accordance with 1885, 312, §1.

Not applicable to cities exempted from provisions of 1885, 312, §1.

SECTION 2. This act shall not apply to any cities which have heretofore been exempted from the provisions of section one of chapter three hundred and twelve of the

acts of the year eighteen hundred and eighty-five, until the expiration of such exemption.

SECTION 3. This act shall take effect upon its passage.

Approved April 24, 1893.

AN ACT TO INCORPORATE THE LAWRENCE TRUST COMPANY.

Chap. 248

Be it enacted, etc., as follows:

SECTION 1. Guy W. Currier, Andrew C. Stone, Edward N. Winslow, Peter M. Sweeney, Jeremiah J. Mahoney, Gilman P. Wiggin, their associates and successors, are hereby made a corporation by the name of the Lawrence Trust Company, with authority to establish and maintain a safe deposit, loan and trust company in the city of Lawrence; with all the powers and privileges and subject to all the duties, liabilities and restrictions which now are or may hereafter be in force relating to such corporations.

Lawrence Trust Company incorporated.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1893.

AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO PAY THE ENTIRE EXPENSE OF LAYING, MAINTAINING AND REPAIRING ITS MAIN DRAINS OR COMMON SEWERS.

Chap. 249

Be it enacted, etc., as follows:

SECTION 1. The town of Plymouth may provide, by a two thirds vote of the voters of the town present and voting thereon at a legal town meeting called for the purpose, that the whole expense of constructing, maintaining and repairing its main drains or common sewers shall be paid by said town.

Expense of laying, maintaining, etc., main drains may be paid by town.

SECTION 2. Every person who desires to enter his particular drain into such main drain or common sewer shall pay for the right of entering such sum as may be from time to time determined by the selectmen of said town.

Persons desiring to enter drain into main drain to pay for the right.

SECTION 3. This act shall take effect upon its passage.

Approved April 24, 1893.

AN ACT TO AUTHORIZE THE TOWN OF BEVERLY TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE PURPOSE OF CONSTRUCTING A SYSTEM OF SEWERAGE.

Chap. 250

Be it enacted, etc., as follows:

SECTION 1. The town of Beverly, for the purpose of defraying the expense of constructing and maintaining a

Beverly Sewerage Loan, Act of 1893.

system of sewerage and sewage disposal, is hereby authorized to issue from time to time notes, bonds or scrip to an amount not exceeding one hundred thousand dollars, to be denominated on the face thereof, Beverly Sewerage Loan, Act of 1893, bearing interest at a rate not exceeding five per centum per annum, payable semi-annually, the principal to be payable at periods of not more than thirty years from the date of issuing such bonds, notes or scrip respectively. Said town may sell said bonds, notes or scrip, or any part thereof, at public or private sale: *provided*, the same shall not be sold for less than the par value thereof.

Annual proportionate payments.

SECTION 2. Said bonds shall be so issued that a proportionate part of the whole amount issued shall become due on the first day of July in the year eighteen hundred and ninety-five, and thereafter a like proportionate amount shall become due each succeeding year until the whole debt is extinguished. Said town shall, at the time of authorizing said loan, provide for the payment thereof in such annual payments as will extinguish the same within the time prescribed in this act; and when such proportionate amount to be paid each year shall be so fixed by vote of the town, the amount required thereby shall, without further vote, be assessed by the assessors of said town in each year thereafter until the debt incurred by the town for sewer purposes shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Issue of bonds, etc.

SECTION 3. Whenever the treasurer has occasion to issue bonds for the purpose mentioned in section one, he shall state in detail, in writing, to the selectmen, the number of bonds and interest warrants he has occasion to issue; and thereupon the selectmen shall countersign as many of said bonds and interest warrants as shall be necessary for the purpose indicated in said writing. No bonds shall be valid until signed by the treasurer of the town and countersigned by the selectmen or a majority thereof.

To take full effect upon acceptance by a two thirds vote, etc.

SECTION 4. This act shall take effect upon its passage, but no expenditure shall be made and no liability incurred under the same, except for preliminary surveys and estimates, unless this act shall first be accepted by vote of two thirds of the legal voters of said town present and

voting thereon at a legal meeting called for that purpose within one year from the date of its passage.

Approved April 24, 1893.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BRISTOL TO CAUSE TO BE MADE COPIES OF CERTAIN RECORDS AND PLANS IN THE REGISTRY OF DEEDS FOR THE NORTHERN DISTRICT OF SAID COUNTY.

Chap. 251

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Bristol are hereby authorized and required to have made under their direction, within five years from the passage of this act, copies of all records and parts of records and plans recorded and deposited in the registry of deeds for the northern district of said county prior to the first day of January in the year eighteen hundred and ninety-two, relating to titles of land in the Fall River registry district of said county, and suitable indexes thereof, at an expense not exceeding twenty-five thousand dollars; and such copies and indexes so made shall be deposited in the registry of deeds for said Fall River registry district, to be there kept by the register of deeds of said district, as other books of record are kept by him.

Copies, etc., to be made and deposited in the Fall River registry of deeds.

SECTION 2. The persons employed to make such copies shall be sworn to the faithful discharge of their duties; and the county commissioners shall designate therefrom competent persons to be called examiners, any one of whom shall certify said copies made as aforesaid. The compensation of all of said persons shall be fixed by said commissioners and shall be paid out of the county treasury.

Copyists to be sworn; examiners to certify copies; compensation.

SECTION 3. Copies from the copies made, certified and deposited as hereinbefore provided, shall, when duly certified by said register of deeds, be admitted in evidence in the same manner as other copies from said registry of deeds for said Fall River registry district are admitted.

Certain copies to be admitted in evidence, etc.

SECTION 4. This act shall take effect upon its passage.

Approved April 24, 1893.

AN ACT RELATING TO INDIGENT AND NEGLECTED CHILDREN.

Chap. 252

Be it enacted, etc., as follows:

SECTION 1. Whenever any child has been committed to or placed in the charge of the overseers of the poor of any city or town, or in Boston, in charge of the commis-

Care and custody of certain indigent and neglected children.

Indigent and
neglected chil-
dren.

sioners of public institutions, under the provisions of section three of chapter one hundred and eighty-one of the acts of the year eighteen hundred and eighty-two or any act in amendment thereof or in addition thereto, by any court or judge, and such child has no settlement in the city or town to whose officers he has been committed or in the charge of whose officers he has been placed, any judge of the superior court of the county in which such city or town is situated, sitting in equity, may, on the petition of such city or town, by its attorney, transfer such child to the charge of the city or town in which he has his settlement, or to the charge of the state board of lunacy and charity if it does not appear that he has a settlement in this Commonwealth. Any necessary and proper expenses incurred by a city or town for the care and support of such child within three months prior to such transfer shall, on the order of the judge making the transfer, be repaid to it by the Commonwealth or by the city or town to which the transfer is made.

Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1893.

Chap.253 AN ACT PLACING TRUANT OFFICERS IN THE CITY OF BOSTON UNDER CIVIL SERVICE RULES.

Be it enacted, etc., as follows :

Appointment
and classifica-
tion of truant
officers in Bos-
ton.

SECTION 1. All truant officers hereafter appointed by the school committee of the city of Boston, as provided in section eleven of chapter forty-eight of the Public Statutes, shall be classified and appointed pursuant to the provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four and the rules of the civil service commissioners made and established thereunder.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1893.

Chap.254 AN ACT RELATIVE TO THE OFFICERS OF SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS.

Be it enacted, etc., as follows :

Treasurers, etc.,
of savings banks
to give bonds,
etc.

SECTION 1. Treasurers, vice treasurers and assistant treasurers of savings banks and institutions for savings, if such offices are created under the provisions of section thirteen of chapter one hundred and sixteen of the Public

Statutes, shall give bonds for the faithful discharge of their duties, to the satisfaction of the trustees, and shall file with the commissioners of savings banks an attested copy of their bonds, with a certificate of the custodian of the bonds that the originals are in his possession. The treasurer, vice treasurer and assistant treasurer shall notify said commissioners of any change thereafter made therein. If a treasurer, vice treasurer or assistant treasurer fails, within ten days from the date thereof, to file a copy of his bond, or to notify the commissioners of any change therein, as required by this act, he shall be liable to a penalty of fifty dollars. The commissioners shall keep a record showing when said bonds expire, and the changes so notified, and, whenever in their judgment it is necessary for the security of the depositors, shall require a new bond in such amount and with such sureties as they may approve. The treasurer, vice treasurer and assistant treasurer, if any, of each savings bank or institution for savings shall give new bonds as often as once in five years.

Penalty.

Commissioners of savings banks to keep records of bonds, etc.

New bonds to be given as often as once in five years.

SECTION 2. The officers of every such corporation, except the treasurer, vice treasurer and assistant treasurer, shall be chosen at its annual meetings, to be holden at such time as the by-laws direct, anything in its charter to the contrary notwithstanding. The treasurer, vice treasurer and assistant treasurer shall be appointed by the trustees and shall hold office during their pleasure. If an office becomes vacant during the year, the trustees may appoint a person to fill the same until it is filled at the next annual meeting; and if a person chosen or appointed does not, within thirty days thereafter, take the oath, his office shall thereupon become vacant. The person acting as clerk at such meeting shall, within ten days thereafter, notify all persons elected to an office; and within thirty days thereafter shall publish in some newspaper published within the county a list of all persons who have taken the oath of office to which they were elected. A clerk neglecting to make such notification or publication, or making a false publication, and any person who knowingly publishes or circulates, or knowingly causes to be published or circulated, a printed notice containing the name of a person as an officer of any such corporation who has not taken the oath of office, shall be liable to a penalty of fifty dollars.

Election and appointment of officers of savings banks, etc.

Clerk to notify persons elected and publish list of officers qualified.

Penalty.

SECTION 3. This act shall take effect upon its passage.

Approved April 24, 1893.

Chap. 255 AN ACT RELATING TO THE RIGHTS OF INHABITANTS OF ROCHESTER AND MATTAPOISETT TO TAKE FISH WITHIN THE LIMITS OF THE TOWN OF MARION.

Be it enacted, etc., as follows :

Inhabitants of Rochester and Mattapoisett may take certain fish in the town of Marion, etc.

SECTION 1. Nothing in chapter one hundred and eighty-eight of the acts of the year eighteen hundred and ninety-two shall be construed to require that a citizen of Mattapoisett or Rochester must obtain a permit from the selectmen of the town of Marion for taking shellfish or scale fish in the shores, flats or waters within the town of Marion, and any inhabitant of Mattapoisett or Rochester may take scale fish or shellfish in said shores, flats and waters by obtaining a license from the selectmen of their respective towns and paying therefor the same price as is paid by the inhabitants of the town of Marion to the selectmen of the town of Marion for similar licenses. The price to be charged for said licenses shall be fixed by the selectmen of the towns of Marion, Rochester and Mattapoisett.

Not to affect certain fishing rights.

SECTION 2. Nothing contained in said chapter shall be construed to affect the right of any inhabitant of the Commonwealth to take eels, scale or shellfish from said shores, flats or waters, as provided by section sixty-eight of chapter ninety-one of the Public Statutes.

SECTION 3. This act shall take effect upon its passage.

Approved April 24, 1893.

Chap. 256 AN ACT TO PROVIDE FOR THE REIMBURSEMENT OF THE TRUSTEES OF THE MASSACHUSETTS HOSPITAL FOR DIPSO MANIACS AND INEBRIATES FOR EXPENSES INCURRED BY THEM IN THE PERFORMANCE OF THEIR DUTIES.

Be it enacted, etc., as follows :

Trustees to be reimbursed.

SECTION 1. The trustees of the Massachusetts hospital for dipsomaniacs and inebriates shall be reimbursed from the funds of said hospital for all expenses actually incurred by them in the performance of their official duties.

Repeal.

SECTION 2. So much of section fifteen of chapter four hundred and fourteen of the acts of the year eighteen hundred and eighty-nine as provides that said trustees shall be so reimbursed from the treasury of the Commonwealth is hereby repealed.

Approved April 24, 1893.

AN ACT RELATING TO THE EXAMINATION OF OFFICIAL BONDS OF COUNTY OFFICERS. *Chap. 257*

Be it enacted, etc., as follows:

SECTION 1. All bonds of public officers, required by law to be deposited with county treasurers, shall, at least once a year, be examined as to their sufficiency by the controller of county accounts or by one of his deputies. If it appears that any such bond is insufficient said controller shall report the fact to the superior court or to some justice thereof, and said court shall cause a record of that fact to be made by its clerk, and said court or any justice thereof, in term time or vacation, shall require the party or person who gave such bond to give a new one, satisfactory to the court, within such time as it shall order.

Examination, etc., of official bonds of county officers, etc.

SECTION 2. This act shall not apply to the county of Suffolk nor to the bonds of county treasurers.

Not applicable in certain cases.

SECTION 3. Section six of chapter twenty-six of the Public Statutes is hereby repealed.

P. S. 26, §6, repealed.

SECTION 4. This act shall take effect upon its passage.

Approved April 24, 1893.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO REFUND OR ABATE A PORTION OF ITS BETTERMENTS ASSESSED FOR THE EXTENSION OF THE MARINE PARK. *Chap. 258*

Be it enacted, etc., as follows:

SECTION 1. The city of Boston may, by concurrent vote of the city council, at any time within two years from the passage of this act refund or abate any portion, not exceeding ninety per centum, of the sums assessed for betterments on account of the extension of the Marine park in said city, along the shore of Dorchester bay. Any sum so refunded shall be paid by the city treasurer to the persons to whom said betterments are assessed, or their legal representative.

City of Boston may refund or abate a portion of certain assessments.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1893.

AN ACT TO AUTHORIZE THE TOWN OF BEVERLY TO CANCEL CERTAIN OF ITS BONDS NOW HELD IN ITS SINKING FUND. *Chap. 259*

Be it enacted, etc., as follows:

SECTION 1. The town of Beverly is hereby authorized to cancel such bonds of the town, issued under authority

May cancel certain bonds.

Proviso.

of chapter two hundred and thirty-one of the acts of the year eighteen hundred and eighty-one, now held in its sinking fund, the existence of which is not necessary to provide interest to meet at maturity the other outstanding bonds of the town issued under said act, computing the sinking fund remaining and additions thereto with interest thereon as hereinafter provided: *provided*, that the interest on the bonds of the town remaining uncanceled in the sinking fund and the other securities now held therein, with interest calculated at four per cent. compounded annually, together with the twenty thousand dollars annually put into the sinking fund by the said town under the provisions of said act, with interest calculated at four per cent. compounded annually, shall be sufficient to extinguish the bonds of the town issued under said act, now outstanding and not in said sinking fund.

Sinking fund commissioners to cancel bonds when instructed by town, etc.

To take effect upon acceptance by a two thirds vote.

SECTION 2. It shall be the duty of the sinking fund commissioners to cancel such of the said bonds now held by them the interest on which is not necessary to extinguish said debt as above provided, as they may be instructed to cancel by the said town at any meeting duly called for the purpose, and the treasurer shall thereafter cease paying interest upon such bonds. The town of Beverly shall have authority to take the action provided for herein after this act has been accepted by a vote of two thirds of the legal voters present and voting at the annual town meeting or any adjournment thereof, or at a meeting duly called for the purpose.

SECTION 3. This act shall take effect upon its passage.

Approved April 25, 1893.

Chap. 260

AN ACT TO INCORPORATE THE TRUSTEES OF NOBLE HOSPITAL.

Be it enacted, etc., as follows:

The Trustees of Noble Hospital incorporated.

SECTION 1. Eliza C. Noble, Sarah L. Lockwood, Maria L. C. Waterman, Elizabeth E. Parker, Charles N. Yeamans, James Noble, Jr., James A. Shepard, Charles L. Weller, Robert H. Kneil, Albert F. Tracy and George E. Whipple, the trustees named in the last will of Reuben Noble, late of Westfield, are hereby made a corporation by the name of The Trustees of Noble Hospital, and said trustees, their associates and successors in office, shall continue a body corporate for the purposes hereinafter set forth, and set forth in said will; with all the powers and privileges and subject to all the duties and liabilities con-

tained in all general laws now or hereafter in force relating to such corporations.

SECTION 2. Said corporation shall have authority to buy and hold real and personal estate to an amount not exceeding two hundred and fifty thousand dollars, including all the real and personal estate, and the proceeds thereof, bequeathed and devised in said will for the establishment and maintenance of a hospital in Westfield, and any and all personal and real estate which may be otherwise given, granted, bequeathed or devised to said corporation, for the use and benefit of said hospital.

May buy, receive and hold property not exceeding \$250,000.

SECTION 3. Whenever the trustees incorporated by this act shall, for any cause, become less than nine in number, the remaining trustees shall choose by ballot some person or persons to fill the vacancy or vacancies until the said trustees shall be nine in number; and thereafter the number of trustees shall continue to be nine; and any vacancy thereafter occurring shall be filled by ballot by the remaining trustees. The said nine trustees shall always consist of four female and five male members. They shall serve without pay and no bonds shall be required of them. They shall always be residents of Westfield and no trustee shall continue to hold his office after ceasing to be a resident of Westfield.

Trustees, number of each sex, filling of vacancies, etc.

SECTION 4. The said trustees shall have the care and management of said hospital and of the funds thereof. They shall have full power to elect or appoint such officers as from time to time they may think necessary or expedient, and generally to do all acts and things necessary or expedient to be done for the purpose of carrying into effect the provisions and purposes of said will and of this act.

Powers and duties.

SECTION 5. The town of Westfield is hereby authorized to raise by taxation sums of money not exceeding one thousand dollars in any one year, and to appropriate the same towards the support and maintenance of said hospital.

Town of Westfield may appropriate money for support of hospital.

SECTION 6. This act shall take effect upon its passage.

Approved April 26, 1893.

AN ACT RELATING TO APPROPRIATIONS BY THE CITY OF BOSTON.
Be it enacted, etc., as follows:

Chap. 261

SECTION 1. After an appropriation of money has been duly made by the city government of Boston for any specific purpose, or for the needs and expenditures of any

Transfer of money appropriated by the city of Boston.

department, no transfer of any part of the money thus appropriated shall be made except within the department, or in accordance with and after the written recommendations of the mayor to the city council, approved by the yea and nay vote of two thirds of the members of each branch thereof.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1893.

Chap. 262 AN ACT RELATIVE TO EVIDENCE IN PROCEEDINGS FOR NEGLECT TO SUPPORT A WIFE OR MINOR CHILD.

Be it enacted, etc., as follows:

1882, 270, §4;
1885, 176, §1,
amended.

Section four of chapter two hundred and seventy of the acts of the year eighteen hundred and eighty-two, as amended by section one of chapter one hundred and seventy-six of the acts of the year eighteen hundred and eighty-five, is hereby amended by adding at the end thereof the following words:—Proof of neglect to provide for the support of a wife or minor child as aforesaid shall be prima facie evidence that such neglect is unreasonable,—so as to read as follows:—*Section 4.* Whoever unreasonably neglects to provide for the support of his wife or minor child shall be punished by fine not exceeding twenty dollars or by imprisonment in the house of correction not exceeding six months. All fines imposed under this section may in the discretion of the court be paid in whole or in part to the town, city, corporation, society or person actually supporting such wife or minor child at the time of making the complaint. Proof of neglect to provide for the support of a wife or minor child as aforesaid shall be prima facie evidence that such neglect is unreasonable.

Penalties for
not supporting
wife or minor
child, etc.

Proof of un-
reasonable
neglect.

Approved April 26, 1893.

Chap. 263 AN ACT RELATING TO CERTIFICATES AND REGISTRATION OF DEATHS AND TO THE BURIAL AND REMOVAL OF HUMAN BODIES.

Be it enacted, etc., as follows:

P. S. 32, §3;
1888, 306, §1,
amended.

SECTION 1. Section three of chapter thirty-two of the Public Statutes, as amended by section one of chapter three hundred and six of the acts of the year eighteen hundred and eighty-eight, is hereby amended by inserting after the word “decease”, in the seventh line, the words:—and a physician who has attended at a birth of a child dying immediately thereafter, or at the birth of a stillborn

child, shall, when requested, forthwith furnish for registration a certificate stating, to the best of his knowledge and belief, the fact that such a child died after birth or was born dead, — also by inserting after the word “ aforesaid ”, in the eighth line, the words : — or makes a false statement therein, — so as to read as follows : — *Section 3.* A physician who has attended a person during his last illness shall, when requested, forthwith furnish for registration, a certificate stating, to the best of his knowledge and belief, the name of the deceased, his age, the disease of which he died, the duration of his last sickness, and the date of his decease ; and a physician who has attended at a birth of a child dying immediately thereafter, or at the birth of a stillborn child, shall, when requested, forthwith furnish for registration a certificate stating, to the best of his knowledge and belief, the fact that such a child died after birth or was born dead. If a physician neglects or refuses to make a certificate as aforesaid, or makes a false statement therein, he shall be punished by a fine not exceeding fifty dollars.

Certificate of death, etc., to be furnished by physician for registration.

Penalty.

SECTION 2. Section five of chapter thirty-two of the Public Statutes, as amended by section two of chapter three hundred and six of the acts of the year eighteen hundred and eighty-eight, is hereby amended by striking out in the second and third lines thereof, the words “ the body of a deceased person ”, and inserting in place thereof the words : — a human body, — so as to read as follows : —

P. S. 32, § 5 ;
1888, 306, § 2,
amended.

Section 5. No undertaker, sexton or other person shall bury in a city or town or remove therefrom a human body until he has received a permit so to do from the board of health or its duly appointed agent, or, if there is no board of health in such city or town, from the city or town clerk. No such permit shall be issued until there has been delivered to such board, or agent or clerk, as the case may be, a satisfactory written statement containing the facts required by this chapter to be returned and recorded, together with the certificate of the attending physician, if any, as required by section three of this chapter, or in lieu thereof a certificate as hereinafter provided. If there is no attending physician, or if the certificate of the attending physician cannot be obtained, for good and sufficient reasons, early enough for the purpose, the chairman of the board of health or any physician employed by a city or town for the purpose shall, upon request of said

Permit for burial or removal of a human body to be procured, etc.

board, agent or clerk, make such certificate as is required of the attending physician; and in case of death by violence the medical examiner shall, if requested, make the same. When such satisfactory statement and certificate are delivered to the board of health or to its agent, the board or agent shall forthwith countersign and transmit the same to the clerk or registrar for registration. The person to whom the permit is so given shall thereafter furnish for registration any other information as to the deceased or to the manner and cause of the death, as the clerk or registrar may require. Any person violating any of the provisions of this section shall be punished by a fine not exceeding fifty dollars.

Penalty.

SECTION 3. This act shall take effect upon its passage.

Approved April 26, 1893.

Chap. 264 AN ACT TO AUTHORIZE THE HOOSAC VALLEY STREET RAILWAY COMPANY TO ISSUE MORTGAGE BONDS FOR THE PURPOSE OF REFUNDING ITS BONDED AND PAYING ITS FLOATING INDEBTEDNESS.

Be it enacted, etc., as follows :

May issue mortgage bonds not exceeding \$75,000.

SECTION 1. The Hoosac Valley Street Railway Company, by a vote of a majority in interest of its stockholders at a meeting called for that purpose, may authorize the issue of coupon or registered bonds secured by mortgage, for the purpose of refunding its bonded debt created by the authority of chapter one hundred and eighty of the acts of the year eighteen hundred and eighty-six, and paying off its floating debt incurred in changing the plant and equipment of the company from a horse railroad to an electrical street railway, to an amount not exceeding seventy-five thousand dollars, for a term not exceeding twenty years from the date thereof; and to secure the payment of the said bonds, with interest thereon, the said company may make a mortgage of its railway and franchise and any part or all of its property, and may include in such mortgage property thereafter to be acquired. Said company may in such mortgage reserve to its directors the right to sell or in the due course of business otherwise dispose of property included in said mortgage which may become worn, damaged or otherwise unsuitable to be used in the operation of its railway, provided that an equivalent in value be substituted in lieu thereof.

Application of proceeds of bonds, etc.

SECTION 2. The company shall not apply the proceeds of such bonds to any purpose not specified in section one

of this act, and may be enjoined from so doing by any justice of the supreme judicial or superior courts, upon application of any interested party. The bonds may be issued in sums of not less than one hundred dollars each, payable at periods not exceeding twenty years from the date thereof, and each bond shall be recorded by the treasurer in books to be kept in his office. No bond shall be issued unless approved by some person appointed by the corporation for that purpose, who shall certify that it is properly issued and recorded.

SECTION 3. This act shall take effect upon its passage.

Approved April 26, 1893.

AN ACT TO AUTHORIZE THE TOWN OF ORANGE TO ISSUE ADDITIONAL WATER BONDS. Chap. 265

Be it enacted, etc., as follows :

SECTION 1. The town of Orange is hereby authorized to issue bonds, notes or scrip to an amount not exceeding fifteen thousand dollars in addition to the amount authorized by chapter sixty-one of the acts of the year eighteen hundred and ninety-two, for the purposes and subject to the conditions named in said chapter and in acts in amendment thereof.

May issue additional water bonds, not exceeding \$15,000.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1893.

AN ACT RELATIVE TO DEPOSITS BY CITIES AND TOWNS IN BANKS AND TRUST COMPANIES. Chap. 266

Be it enacted, etc., as follows :

No city or town shall have or place on deposit at any time, in any bank or trust company, an amount exceeding sixty per cent. of the capital and surplus of such bank or trust company, unless such bank or trust company shall give to the city or town satisfactory security for such deposit in excess of said sixty per cent.

Limit of amount of deposits by cities and towns in banks and trust companies.

Approved April 26, 1893.

AN ACT TO CHANGE THE NAME OF THE ROXBURY TRUST COMPANY. Chap. 267

Be it enacted, etc., as follows :

SECTION 1. The name of the Roxbury Trust Company is hereby changed to the Granite Trust Company. Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1893.

*Chap.*268 AN ACT TO AUTHORIZE THE BOSTON AND MAINE RAILROAD OR THE BOSTON AND LOWELL RAILROAD CORPORATION TO LEASE OR PURCHASE THE ROAD, FRANCHISES AND PROPERTY OF THE CONCORD AND MONTREAL RAILROAD.

Be it enacted, etc., as follows :

May lease or purchase franchises, etc., of Concord and Montreal Railroad, etc.

SECTION 1. The Boston and Maine Railroad or the Boston and Lowell Railroad Corporation may lease or purchase the road, franchises and property of the Concord and Montreal Railroad, a corporation organized under the laws of the state of New Hampshire, in such manner and upon such terms as the laws of the said state may authorize and prescribe; and upon making any such lease or purchase, and for the purposes thereof, shall have all the powers and privileges conferred upon the leasing or purchasing corporation in said state, by the laws thereof. Either of said corporations becoming lessee hereunder may assign the lease to the other, which may assume and perform the covenants and obligations thereof. No purchase shall be made nor any stock issued under the provisions of this act without the written approval of the board of railroad commissioners of Massachusetts.

Subject to approval of railroad commissioners.

Lease or purchase to be made before July 1, 1895.

SECTION 2. Unless the Boston and Maine Railroad or the Boston and Lowell Railroad Corporation shall lease or purchase the road, franchise and property of the Concord and Montreal Railroad on or before the first day of July in the year eighteen hundred and ninety-five the powers and authority hereby granted shall cease and this act shall be void and of no effect.

SECTION 3. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the twentieth day of April, 1893, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.*]

*Chap.*269 AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO BORROW ONE HUNDRED AND TWENTY-FIVE THOUSAND DOLLARS FOR THE CONSTRUCTION OF ITS CITY HALL BUILDING.

Be it enacted, etc., as follows :

May incur indebtedness beyond debt limit for construction of city hall building.

SECTION 1. In addition to the sum already authorized, the city of Brockton, for the purpose of completing and fitting ready for occupancy its new city hall building in said city, may incur indebtedness to an amount not exceeding one hundred and twenty-five thousand dollars

beyond the limit of indebtedness fixed by law for said city, and may from time to time issue negotiable bonds, notes or scrip therefor denominated on the face thereof, Brockton City Hall Loan, 1893, signed by its mayor and city treasurer, and payable in not exceeding thirty years from the date thereof. Said city shall provide for the payment of said indebtedness by fixed annual payments, the first of said payments to be made not later than ten years from the date of incurring said indebtedness, and similar payments to be made in each year thereafter; and the aggregate amount of said annual payments shall be such as to extinguish the total indebtedness within the time required by law. The sinking fund of any loan of said city may be invested in securities issued under this act.

Annual pay-
ments.

SECTION 2. The provisions of chapter twenty-nine of the Public Statutes and of the acts in amendment thereof and addition thereto, except as otherwise herein provided, shall apply to the indebtedness authorized by this act and the securities issued hereunder.

P. S. 29, and
amendments, to
apply.

SECTION 3. This act shall take effect upon its passage.

Approved May 1, 1893.

AN ACT TO AUTHORIZE THE CONTROLLER OF COUNTY ACCOUNTS TO PRESCRIBE CERTAIN RETURNS, CERTIFICATES AND VOUCHERS.

Chap. 270

Be it enacted, etc., as follows:

SECTION 1. The controller of county accounts is authorized to prescribe a uniform system of receipts, certificates, vouchers and exhibits, to be used in the adjustment of all county expenses.

System of re-
ceipts, vouchers,
etc., to be pre-
scribed.

SECTION 2. Sheriffs, masters of houses of correction, keepers of jails, truant schools, or other public officers, when making payment to county treasurers of any public funds, shall accompany such payments with a sworn certificate of such details as the controller of county accounts may prescribe.

Certificates to
accompany pay-
ments to county
treasurers.

SECTION 3. This act shall take effect upon its passage.

Approved May 2, 1893.

AN ACT RELATING TO CONTRACTS WITH COUNTY OFFICERS.

Chap. 271

Be it enacted, etc., as follows:

SECTION 1. Section eleven of chapter two hundred and five of the Public Statutes is hereby amended by inserting

P. S. 205, §11,
amended.

Taking com-
mission by state,
county and cer-
tain other public
officers, etc.

in the second line of said section, after the word "state", the word : — county, — so as to read as follows : — *Section 11.* If an officer or agent of or a person employed by the state, county, or a city, town, or any public institution other than those mentioned in section thirteen, authorized to procure materials, supplies, or other articles either by purchase or contract, or to employ service or labor, receives either directly or indirectly for himself or for any other person a commission, discount, bonus, present, or reward from the person or persons making such contract, furnishing any such materials, supplies, or other articles, or from any person rendering service or labor under such contract, or if a person gives or offers such commission, discount, bonus, present, or reward, he shall be punished by fine of not less than ten nor more than five hundred dollars, or by such fine and imprisonment not exceeding one year.

Taking com-
mission by cer-
tain county
officers or
agents, etc.

SECTION 2. If any county officer is personally interested, either directly or indirectly, in a contract in which the county is a party interested, and which is made by the county treasurer or county commissioners, or by authority derived therefrom, respectively, or if a person who alone, or with others, represents a county in making such contract, is so interested, or if such officer or person, directly or indirectly, for himself or any other person, receives a commission, discount, bonus, present, or reward from any person or persons making or performing such contract, he shall be punished by fine of not less than fifty nor more than one thousand dollars, or by such fine and by imprisonment not exceeding one year.

Approved May 2, 1893.

Chap. 272 AN ACT RELATIVE TO THE DISTRIBUTION OF THE INCOME OF THE SCHOOL FUND.

Be it enacted, etc., as follows:

1891, 177, §1,
amended.

SECTION 1. Section one of chapter one hundred and seventy-seven of the acts of the year eighteen hundred and ninety-one is hereby amended by striking out in the ninth and tenth lines of said section, the words "two hundred and seventy-five", and inserting in place thereof the words : — three hundred, — also by inserting in said tenth line, after the word "dollars", the words : — *pro-*

vided, that any such town for any year in which its rate of taxation shall be eighteen dollars or more on a thousand dollars, shall receive fifty dollars additional,—so as to read as follows:—*Section 1.* One half of the annual income of the school fund of the Commonwealth shall be apportioned and distributed, without a specific appropriation, for the support of public schools, and in the manner following, to wit:—Every town complying with all laws in force relating to the distribution of said income and whose valuation of real and personal estate, as shown by the last preceding assessors valuation thereof, does not exceed one half million dollars, shall annually receive three hundred dollars: *provided*, that any such town for any year in which its rate of taxation shall be eighteen dollars or more on a thousand dollars, shall receive fifty dollars additional. Every such town whose valuation is more than one half million dollars and does not exceed one million dollars, shall receive two hundred dollars; and every such town whose valuation is more than one million dollars and does not exceed two million dollars, shall receive one hundred dollars; and every such town whose valuation is more than two million dollars and does not exceed three million dollars, shall receive fifty dollars. The remainder of said half shall be distributed to all towns whose valuation does not exceed three million dollars and whose annual tax rate for the support of public schools is not less than one sixth of their whole tax rate for the year, as follows:—Every town whose public school tax is not less than one third of its whole tax shall receive a proportion of said remainder expressed by one third; every such town whose school tax is not less than one fourth of its whole tax shall receive a proportion expressed by one fourth; every such town whose school tax is not less than one fifth of its whole tax shall receive a proportion expressed by one fifth; and every such town whose school tax is not less than one sixth of its whole tax shall receive a proportion expressed by one sixth. All money appropriated for other educational purposes, unless otherwise specially provided, shall be paid from the other half of said income. If the income in any year exceeds such appropriations the surplus shall be added to the principal of said fund.

Distribution of
the income of
the school fund.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1893.

Chap.273 AN ACT TO REIMBURSE COUNTY COMMISSIONERS FOR THEIR TRAVELLING EXPENSES.

Be it enacted, etc., as follows :

Reimbursement
of county com-
missioners
for travelling
expenses.

SECTION 1. On and after the first day of April in the year eighteen hundred and ninety-three there shall be allowed and paid to each of the county commissioners of the several counties, the actual necessary and proper expenses for transportation paid by him in the discharge of his duties, upon a certified itemized statement of such expenses, made on the first day of each month, to the controller of county accounts, who shall audit and certify the same to the treasurer of the proper county, who shall pay such commissioner for such expenses from the treasury of said county.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1893.

Chap.274 AN ACT RELATIVE TO TELEGRAPH AND TELEPHONE COMPANIES.

Be it enacted, etc., as follows :

P. S. 109, §7,
amended.

SECTION 1. Section seven of chapter one hundred and nine of the Public Statutes is hereby amended by inserting in the third line, after the word "for", the words : — and at least one half has been paid in in cash, — by striking out in the fifth line, the word "the", and inserting in place thereof the word : — such, — and by adding at the end of said section, the words : — and payment, — so as to read as follows : — *Section 7.* A company shall not commence the construction of its line until three fourths of its capital stock has been unconditionally subscribed for, and at least one half has been paid in in cash ; and the directors shall within ten days of commencing said line file in the office of the secretary of the Commonwealth a sworn statement of such subscription and payment.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1893.

Chap.275 AN ACT RELATING TO COUNTY COMMISSIONERS AND THEIR COMPENSATION.

Be it enacted, etc., as follows :

Compensation
of county com-
missioners.

SECTION 1. During a vacancy in a board of county commissioners in any county the county treasurer shall

pay to the two surviving commissioners only two thirds of the salary fixed by law for the whole board.

SECTION 2. Section eighteen of chapter twenty-two of the Public Statutes is repealed, but this repeal shall not affect any proceedings pending in any court or before any tribunal. *Approved May 2, 1893.*

P. S. 22, §18,
repealed, etc.

AN ACT TO ESTABLISH THE SALARIES OF THE COUNTY COMMISSIONERS FOR THE COUNTY OF BARNSTABLE.

Chap. 276

Be it enacted, etc., as follows:

SECTION 1. The salaries of the county commissioners for the county of Barnstable shall be thirteen hundred dollars a year, to be so allowed from the first day of April in the year eighteen hundred and ninety-three.

Salaries estab-
lished.

SECTION 2. This act shall take effect upon its passage. *Approved May 2, 1893.*

AN ACT TO SUPPLY THE TOWN OF WALPOLE WITH WATER.

Chap. 277

Be it enacted, etc., as follows:

SECTION 1. The town of Walpole may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, relocate or discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

Town of Wal-
pole may supply
itself with
water.

SECTION 2. The said town, for the purposes aforesaid, may take, by purchase or otherwise, and hold waters from the valley of the Neponset river and its tributaries, from Spring brook, so-called, Mill brook, so-called, and Trap-hole brook, or the waters of any other brook, or any springs, artesian or driven wells or filter galleries, within the limits of said town of Walpole, and the water rights and water sources connected therewith; and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town of Walpole; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads

May take certain
waters, lands,
etc.

May erect build-
ing, lay down
pipes, etc.

or public or private ways, and along any such way in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon.

To cause to be recorded in registry of deeds, description of lands taken, etc.

SECTION 3. Said town shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district in which the same are situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

Damages.

SECTION 4. Said town shall pay all damages sustained by any person or corporation in property, by the taking of any land, right of way, water, water source, water right or easement, or any other thing done by said town under the authority of this act. Any person or corporation entitled to damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, by making application at any time within the period of three years from the taking of such land or other property or the doing of any other injury under the authority of this act; but no application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Walpole Water Loan not exceeding \$125,000.

SECTION 5. Said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip, to an amount not exceeding in the aggregate one hundred and twenty-five thousand dollars; such bonds, notes and scrip shall bear on their face the words, Walpole Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall

bear interest, payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town and be countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purpose of this act, and upon such terms and conditions as it may deem proper. Said town shall pay the interest on said loan as it accrues, and shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Sinking fund.

SECTION 6. Said town, instead of establishing a sinking fund, may, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said town shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Annual proportionate payments.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established, whether action has been taken in accordance with the provisions of section six of this act, and shall also state the amounts raised and applied thereunder for the current year.

Return of amount of sinking fund or annual payments.

SECTION 8. Said town shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Payment of expenses, interest on loan, etc.

SECTION 9. Whoever willfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property

Penalty for wilful corruption or pollution of water, etc.

owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Water commissioners, election, terms of office, powers, duties, etc.

SECTION 10. The said town shall, after the acceptance of this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. The said commissioners shall be trustees of the sinking fund herein provided for and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

To take effect upon acceptance by a two thirds vote.

SECTION 11. This act shall take effect upon its acceptance by a two thirds vote of the voters of said town present and voting thereon at a legal town meeting called for the purpose within three years from its passage; but the number of meetings so called in any year shall not exceed two.

Approved May 2, 1893.

Chap. 278 AN ACT TO AUTHORIZE THE CITY OF NEWTON TO CHANGE ITS METHODS OF SEWER ASSESSMENT.

Be it enacted, etc., as follows:

City of Newton may change its method of sewer assessment.

SECTION 1. The city council of the city of Newton is hereby authorized to amend, repeal or rescind any or all existing orders or ordinances of the said city of Newton which establish a method of sewer assessment, and by which any assessments for sewers have been made, and

said city is further authorized to adopt and establish, by ordinance or by order, any method of sewer assessment now authorized by law, and to make by its board of mayor and aldermen assessments and reassessments thereunder.

SECTION 2. Said city of Newton is hereby authorized and required, when any changes shall be made in the existing method of sewer assessments, to refund to those who have already paid assessments under existing orders and ordinances such sums as shall make the sewer assessments of such persons equal to those established by the new method of assessment, and to appropriate money therefor and equitably to adjust such assessments.

SECTION 3. This act shall take effect upon its passage.

Approved May 2, 1893.

Adjustment of
assessments
heretofore
made.

AN ACT TO AUTHORIZE CITIES AND TOWNS TO FURNISH RELIEF TO THE DEPENDENT FATHERS AND MOTHERS OF SOLDIERS OR SAILORS WHO SERVED IN THE ARMY OR NAVY OF THE UNITED STATES DURING THE WAR OF THE REBELLION.

Chap. 279

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter four hundred and forty-seven of the acts of the year eighteen hundred and ninety is hereby amended by inserting in the ninth line, after the word "years", the words:— or a dependent father or mother,—also by inserting in the tenth line, after the word "children", the words:— or such father or mother,—also by inserting in the twelfth line, after the word "children", the words:— or dependent father or mother,—so as to read as follows:— *Section 1.* Whenever any person who served in the army or navy of the United States in the war of the rebellion and received an honorable discharge from all enlistments therein, and who has a legal settlement in a city or town in the Commonwealth, becomes, from any cause except his own criminal or wilful misconduct, poor and entirely or in part unable to provide maintenance for himself, his wife and minor children under the age of sixteen years, or a dependent father or mother; or whenever such a person has died and left a widow or such minor children, or such father or mother, without proper means of support, such person, his wife or widow or such minor children, or dependent father or mother, shall be supported wholly or in part, as may be necessary, by the city or town in which they or

1890, 447, §1,
amended.

Relief by cities
and towns to
certain soldiers
and sailors or
their families.

Beneficiary not to be required to receive relief in almshouse.

either of them have a legal settlement. Such relief shall be furnished by the mayor and aldermen of such city or the selectmen of such town at the home of the beneficiary, or at such other place as they may deem right and proper. But no beneficiary shall be required to receive such relief at any almshouse or public institution unless the physical or mental condition of such beneficiary shall require it, or unless such beneficiary shall choose to do so; the choice to be made, in case of a minor, by the parent or guardian of such minor. In all printed reports of the expenses for such relief by the cities and towns under this section said expenses shall be designated as soldiers' relief.

Soldiers' relief.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1893.

Chap.280

AN ACT RELATING TO DECREES OF DIVORCE.

Be it enacted, etc., as follows:

P. S. 146, §19;
1882, 223, §1;
1893, 194, §1,
amended.

SECTION 1. Section nineteen of chapter one hundred and forty-six of the Public Statutes as amended by section one of chapter two hundred and twenty-three of the acts of the year eighteen hundred and eighty-two and by section one of chapter one hundred and ninety-four of the acts of the year eighteen hundred and ninety-three, is hereby further amended by striking out the words "and thereupon the clerk shall enter a final decree", so as to read as follows:— *Section 19.* All decrees of divorce shall in the first instance be decrees nisi, to become absolute after the expiration of six months from the entry thereof, unless the court has for sufficient cause, on application of any party interested, otherwise ordered.

Decrees to be nisi, to become absolute after six months, etc.

Not applicable where decrees nisi have been entered prior to May 1, 1893.

SECTION 2. Nothing contained in said chapter one hundred and ninety-four of the acts of the year eighteen hundred and ninety-three or in section one of this act shall apply to cases where decrees nisi have been entered prior to the first day of May in the year eighteen hundred and ninety-three.

SECTION 3. This act shall take effect upon its passage.

Approved May 2, 1893.

Chap.281

AN ACT TO INCORPORATE THE ROCKPORT WATER COMPANY.

Be it enacted, etc., as follows:

Rockport Water Company incorporated.

SECTION 1. Henri N. Woods, Charles H. Cleaves, Sumner D. York, Alfred H. Hersey, Moyses R. Simmons,

their associates and successors, are hereby made a corporation by the name of the Rockport Water Company, for the purpose of supplying the inhabitants of Rockport with water for the extinguishment of fires and for domestic, manufacturing and other purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

SECTION 2. Said corporation, for the purposes aforesaid, may lease, take, acquire by purchase or otherwise, and hold the waters of Cape pond, so-called, and Mill pond brook, so-called, situate in said town of Rockport, and the waters which flow into the same, and all water rights connected therewith, and convey said waters through said town; and may also take and hold, by lease or otherwise, all lands, rights of way and easements necessary for erecting such works as may be required, and for holding and preserving such water and conveying the same to any part of said town; and may erect on the land thus taken or held, proper dams, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads, highways, town ways, public or private ways of any nature, kind or description, and along such ways and in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing said conduits, pipes and other works and for all proper purposes of this act said corporation may dig up any such lands and, under the direction of the board of selectmen of said town of Rockport, enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon.

May take certain waters, land, etc.

May erect buildings, lay down pipes, etc.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the county of Essex a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

To cause to be recorded in registry of deeds a description of land taken, etc.

Damages.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of two years from the taking of such land or other property or the doing of any injury under the authority of this act; but no such application shall be made after the expiration of said two years. No application for assessment of damages shall be made for the taking of any water, water rights or water source, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Water supply
for town of
Rockport, etc.

SECTION 5. The said corporation may distribute the water through said town of Rockport, may regulate the use of said water and fix and collect the rates to be paid for the use of the same, and may make such contracts with the said town or with any fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishment of fire or for any purposes, as may be agreed upon by said town or such fire district, individual or corporation, and said corporation; and may establish public fountains and hydrants, relocate and discontinue the same.

Real estate,
capital stock of
corporation, etc.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding twenty thousand dollars; and the whole capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each; and said corporation may issue bonds to an amount not exceeding the amount of its capital stock actually paid in and applied to the purposes of its incorporation, and may secure the same at any time by a mortgage of its franchise and property.

Town may take
franchise, prop-
erty, etc., at
any time.

SECTION 7. The town of Rockport shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property, and all the rights and privileges of said corporation, on payment to said corpo-

ration of the actual cost of its franchise, works and property of all kinds held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of said purchase or taking, as herein provided, at the rate of five per cent. per annum. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation or company for that year, then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total cost. An itemized statement of the receipts and expenditures of the said corporation shall be annually submitted to the selectmen of the town of Rockport, and by said selectmen to the citizens of said town. If said corporation has incurred indebtedness, the amount of such indebtedness outstanding at the time of such taking shall be assumed by said town and shall be deducted from the amount required to be paid by said town to said corporation under the foregoing provisions of this section. This authority to purchase such franchise and property is granted on condition that the purchase is assented to by said town by a two thirds vote of the voters of said town present and voting thereon at a meeting legally called for that purpose.

Statement of receipts and expenditures to be made annually.

Purchase to be assented to by a two thirds vote.

SECTION 8. The said town may, for the purpose of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate one hundred thousand dollars; such bonds, notes and scrip shall bear on their face the words, Rockport Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of said town and be countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. And said town shall pay the interest upon said loan as it accrues, and shall provide for the payment of said princi-

Rockport Water Loan not exceeding \$100,000.

Sinking fund; proportionate payments.

pal at maturity by establishing at the time of contracting said debt a sinking fund, or from year to year by such proportionate payments as will extinguish the same within the time prescribed by this act. In case said town shall decide to establish a sinking fund it shall contribute thereto annually a sum sufficient with its accumulations to pay the principal of said loan at maturity; and said sinking fund shall remain inviolate and pledged to the payment of said debt and shall be used for no other purpose. If said town shall decide to pay the principal of said loan by proportionate payments, such amounts as may be necessary to make such payments shall, without further vote of said town, be raised annually by taxation in the same way as money is raised for other municipal expenses.

Returns of
amount of sink-
ing fund or
annual pay-
ment.

SECTION 9. The returns required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken for the payment of annual proportions of said bonded debt as hereinbefore provided, and the amount raised and expended therefor for the current year.

Payment of
expenses, in-
terest, etc.

SECTION 10. After the purchase of said franchise and corporate property as herein provided, the said town shall raise annually by taxation a sum which, with the income derived from the sale of water, shall be sufficient to pay the current annual expenses of operating its water works and the interest accruing on the bonds issued by said town, together with such payments on the principal as may be required under the provisions of this act. Said town is further authorized, by assent of two thirds of the voters of said town present and voting thereon at a legal meeting called for the purpose, to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing additional appliances and fixtures connected therewith, not exceeding three thousand dollars in any one year.

Water com-
missioners,
election, terms
of office,
powers, duties,
etc.

SECTION 11. The said town shall, after its purchase of said franchise and corporate property as provided in this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual meeting, to constitute a board of water commissioners; and at each annual meeting thereafter one

such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act and not otherwise specifically provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. The said commissioners shall be the trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal meeting called for the purpose. No money shall be drawn from the town treasury on account of said water works except by a written order of said commissioners or a majority of them. Said commissioners shall annually make a full report to said town, in writing, of their doings and expenditures.

SECTION 12. The county commissioners for the county of Essex shall, upon application of the owner of any land, water or water rights taken under this act, require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the said county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking; and the said county commissioners shall in like manner require further security if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for the purpose of making surveys, shall be suspended until it gives the security required. Damages.

SECTION 13. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year. Penalty for wilful corruption or diversion of water, etc.

By-laws, rules,
regulations, etc.

SECTION 14. The said town may adopt by-laws prescribing by whom and how meetings may be called and notified; the said town may also provide rules and regulations for the management of its water works not inconsistent with this act or the laws of the Commonwealth, and may choose such other officers not provided for in this act as it may deem proper and necessary.

Work to be
commenced
within three
years.

SECTION 15. This act shall take effect upon its passage, but shall become void unless work under it is commenced within three years from the date of its passage.

Approved May 2, 1893.

Chap. 282

AN ACT TO PROVIDE FOR A PUBLIC PARK IN WARDS SIX AND SEVEN OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Park or play-
ground in wards
six and seven of
the city of
Boston.

SECTION 1. The board of park commissioners of the city of Boston may take in fee, by purchase or otherwise, within the limits of the present wards six and seven of said city, lands of an assessed value not exceeding three hundred thousand dollars, for a park or playground; shall prepare the same for public use and have the charge thereof as of the other public parks of said city.

Description,
etc., of land
taken to be
recorded in the
registry of
deeds.

SECTION 2. Said board shall, within sixty days from the time that it shall take any land under this act, under the right of eminent domain, cause to be recorded in the office of the register of deeds for the county of Suffolk a description of the land so taken, as certain as is required in a common conveyance of land, with a statement that the same was taken under the authority of this act; said description and statement to be signed by said board.

Fee of land to
vest in city;
damages.

SECTION 3. The fee of the lands so taken shall vest in said city, and said city shall pay all damages sustained by any person in his property by any taking as aforesaid, the same to be agreed upon by said board and the person damaged, and if they cannot agree thereon said damages shall be assessed by a jury of the superior court, on petition of said board or person, in the same manner and under the same rules as damages for property taken in laying out highways in said city are determined.

Bonds, etc., to
be issued to
meet expenses.

SECTION 4. The city treasurer of said city, to pay for the lands taken as aforesaid, shall from time to time on the request of said board, approved by the mayor, issue and sell notes, bonds or scrip of the city to such an

amount as said board shall state that it deems necessary to pay for such lands, with a further amount, not exceeding fifty thousand dollars, the proceeds of the latter amount to be used to meet the expenses of preparing said lands for public use: *provided, however*, that he shall pay over to the board of commissioners of sinking funds of said city any premiums received by him in the sale of such bonds, notes or scrip, and said commissioners shall place all amounts so paid by said treasurer in a sinking fund for the payment of the loan hereby authorized.

Proviso.

SECTION 5. This act shall take effect upon its acceptance by the city council of the city of Boston.

To take effect upon acceptance.

Approved May 2, 1893.

AN ACT RELATING TO THE ABOLITION OF GRADE CROSSINGS.

Chap. 283

Be it enacted, etc., as follows:

SECTION 1. Section seven of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety is hereby amended by striking out all after the word "cases", in the eleventh line of said section, and inserting in place thereof the following:—Said court shall from time to time issue its decrees for payment on the part of the railroad corporation, not exceeding the amounts apportioned to it by said auditor, and for the payment on the part of the Commonwealth, not exceeding the amounts apportioned to the Commonwealth and to the city or town; and such city or town shall repay to the Commonwealth the amount apportioned to the city or town by said auditor, in such annual payments as the auditor of the Commonwealth may designate; and the amount of the payment designated for the year, with interest thereon at the rate of four per cent. per annum from the date of the acceptance of the report of the auditor, in the case of the first payment, and for one year, in the case of each of the other payments, shall be included by the treasurer and receiver general in, and made a part of, the sum charged to such city or town, and be assessed upon it in the apportionment and assessment of its annual state tax; and said treasurer shall in each year notify such city or town of the amount of such assessment, which amount shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment and as a part of its state tax,—so as to read as

1890, 428, §7,
amended.

Auditor, duties,
compensation,
etc.

Payment of
expenses, etc.

follows : — *Section 7.* The court shall appoint an auditor, who shall be a disinterested person, not an inhabitant of the city or town in which the crossing is situated, to whom shall from time to time be submitted all accounts of expense, whether incurred by the railroads, city, town, commission or auditor, who shall audit the same and make report thereon to the court; which auditing, when accepted by the court, shall be final. The compensation of the auditor shall be determined in accordance with the provisions of law relative to the compensation of auditors appointed by the superior court in civil cases. Said court shall from time to time issue its decrees for payment on the part of the railroad corporation, not exceeding the amounts apportioned to it by said auditor, and for the payment on the part of the Commonwealth, not exceeding the amounts apportioned to the Commonwealth and to the city or town; and such city or town shall repay to the Commonwealth the amount apportioned to the city or town by said auditor, in such annual payments as the auditor of the Commonwealth may designate; and the amount of the payment designated for the year, with interest thereon at the rate of four per cent. per annum from the date of the acceptance of the report of the auditor, in the case of the first payment, and for one year, in the case of each of the other payments, shall be included by the treasurer and receiver general in, and made a part of, the sum charged to such city or town, and be assessed upon it in the apportionment and assessment of its annual state tax; and said treasurer shall in each year notify such city or town of the amount of such assessment, which amount shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment and as a part of its state tax.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1893.

Chap. 284 AN ACT TO INCORPORATE THE ROCKLAND FACTORY BUILDING ASSOCIATION.

Be it enacted, etc., as follows:

Rockland Fac-
tory Building
Association
incorporated.

SECTION 1. Albert Culver, Ashton H. Pratt, Edward P. Torrey, Charles W. Torrey, Joseph J. Estes and Frank E. Nesmith, their associates and successors, are hereby made a corporation by the name of the Rockland

Factory Building Association, for the purpose of erecting and maintaining a factory or factories in the town of Rockland, to be used for the manufacture of boots and shoes and for other manufacturing purposes; and for the purposes herein named said corporation shall have all the powers and privileges and be subject to all the restrictions and liabilities set forth in the general laws which are now or may hereafter be in force relating to such corporations.

SECTION 2. The said corporation shall have power to purchase, lease and hold, in fee simple or otherwise, a certain parcel of land, comprised of a lot belonging to the heirs of Gideon Studley and parts of lots owned by Albert Culver and Jeremiah D. Connell, the whole lying north of the Old Colony railroad, in the town of Rockland, and bordered easterly by lands of Brainard Cushing and others, and northerly by Factory avenue and lands of Studley, Shoughrow, Connell, Whiting and Poole, and westerly by land of Bolger; may erect and maintain factory and other buildings and structures thereon, and may sell, lease, mortgage or otherwise dispose of its corporate property or any part thereof.

May purchase land, erect and maintain buildings, etc.

SECTION 3. The capital stock of said corporation shall be eighteen thousand dollars and shall be divided into shares of fifty dollars each: *provided*, that no liability shall be incurred until five thousand dollars of said capital stock, either in cash or property, shall have been paid in.

Capital stock, shares, etc.

SECTION 4. The said corporation may from time to time increase its capital stock in amounts not to exceed in the aggregate the further sum of ten thousand dollars: *provided*, that no shares in such increased capital stock shall be issued for a less sum, to be actually paid in on such shares, either in cash or property, than the par value thereof, which shall not be less than fifty dollars; and *provided, also*, that a certificate stating the amount of any such increase shall within ten days thereafter be made, signed and sworn to by its president, treasurer and a majority of its directors, and be filed in the office of the secretary of the Commonwealth.

May increase capital stock.

Provisos.

SECTION 5. This act shall take effect upon its passage.

Approved May 3, 1893.

Chap.285 AN ACT RELATING TO ACTIONS COMMENCED BY TRUSTEE PROCESS.
Be it enacted, etc., as follows :

Actions
commenced by
trustee process.

SECTION 1. When it appears in any action, suit or proceeding, commenced in the supreme judicial court or the superior court by trustee process, that the trustee was made a party for the purpose of giving the court jurisdiction of the cause in the county where said trustee resides, or has a usual place of business, and where neither the plaintiff nor the principal defendant resides or has a usual place of business, the court, on motion of the defendant at any time before the trial, may order the same, with all papers relating thereto, to be transferred to a county in which some one of the principal parties resides, upon such terms as the court may deem reasonable ; and it shall thereupon be entered and prosecuted in the same court for that county as if originally returnable therein, and all prior proceedings otherwise regularly taken shall thereafter be valid.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1893.

Chap.286 AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF WORCESTER TO REPAIR AND ENLARGE THE JAIL AND HOUSE OF CORRECTION IN THE CITY OF WORCESTER.

Be it enacted, etc., as follows :

Enlargement of
jail and house of
correction.

The county commissioners of the county of Worcester are hereby authorized to repair and enlarge the jail and house of correction in the city of Worcester, and for said purpose may borrow on the credit of said county a sum not exceeding one hundred and fifty thousand dollars.

Approved May 3, 1893.

Chap.287 AN ACT RELATIVE TO THE SUPERVISION OF THE STATE PRINTING.
Be it enacted, etc., as follows :

Supervision of
state printing;
measurement of
printing under
state contract.

SECTION 1. The secretary of the Commonwealth shall, in addition to his other duties, supervise the state printing. The auditor of the Commonwealth shall cause to be measured all the printing done under the state printing contract, and no bills for printing shall be allowed unless they are found to be in strict conformity to said contract. In order to properly carry out the provisions of this act

the auditor may employ an expert in printing, and may expend annually for such service a sum not exceeding one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1893.

AN ACT TO ESTABLISH THE SALARIES OF THE COUNTY COMMISSIONERS
FOR THE COUNTY OF WORCESTER.

Chap. 288

Be it enacted, etc., as follows :

SECTION 1. The salaries of the county commissioners for the county of Worcester shall be forty-nine hundred and fifty dollars a year, to be so allowed from the first day of April in the year eighteen hundred and ninety-three.

Salaries
established.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1893.

AN ACT RELATING TO THE ELECTION OF CERTAIN OFFICERS IN THE
CITY OF NORTHAMPTON.

Chap. 289

Be it enacted, etc., as follows :

SECTION 1. The legal voters of the city of Northampton shall elect at each annual city election, in the same manner in which the mayor is elected, one trustee under the will of Charles E. Forbes, instead of three trustees as now provided by the charter of said city, and such trustee shall serve for the term of three years; and said voters shall annually elect in the same way a secretary and treasurer of the trustees of the Forbes library, to serve for the term of one year.

Election of
certain officers
in the city of
Northampton.

SECTION 2. The city council of said city shall not hereafter elect any agent to represent the city in the meetings of the Massachusetts Central Railroad Company.

Office abolished.

SECTION 3. This act shall take effect upon its passage.

Approved May 3, 1893.

AN ACT TO AUTHORIZE THE TOWN OF STONEHAM TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR A TOWNHALL AND PUBLIC LIBRARY BUILDING.

Chap. 290

Be it enacted, etc., as follows :

SECTION 1. The town of Stoneham, for the purpose of acquiring land for a new townhall and public library building, and for erecting and furnishing said building,

May incur indebtedness for a townhall and public library building.

may incur indebtedness not exceeding one hundred thousand dollars, and may issue negotiable bonds or certificates of indebtedness therefor, and may renew the same from time to time: *provided*, that in no event shall the time for the payment of the same or any part thereof be extended beyond the period of thirty years from the passage of this act.

Not to be considered in determining the authorized debt limit.

SECTION 2. The indebtedness incurred under this act shall not be considered or reckoned in determining the authorized limit of indebtedness of the town of Stoneham under the provisions of section four of chapter twenty-nine of the Public Statutes.

P. S. 29, and 1884, 129, to apply.

SECTION 3. Except as herein otherwise provided the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall apply to the issue of such bonds or certificates of indebtedness.

To take effect upon acceptance by a two thirds vote.

SECTION 4. This act shall take effect when accepted by a two thirds vote of the legal voters of the town of Stoneham present and voting thereon at a meeting called for that purpose.

Approved May 3, 1893.

Chap.291 AN ACT TO ESTABLISH THE SALARIES OF THE COUNTY COMMISSIONERS FOR THE COUNTY OF BRISTOL.

Be it enacted, etc., as follows:

Salaries established.

The salaries of the county commissioners for the county of Bristol shall be thirty-three hundred dollars a year, to be so allowed from the first day of April in the year eighteen hundred and ninety-three.

Approved May 3, 1893.

Chap.292 AN ACT RELATIVE TO GIVING CREDIT TO STUDENTS BY INNOLDERS AND OTHERS.

Be it enacted, etc., as follows:

P. S. 102, §21, amended.

SECTION 1. Section twenty-one of chapter one hundred and two of the Public Statutes is hereby amended by inserting in the third line, after the word "student", the words: — who is a minor, — so as to read as follows: — *Section 21.* No innholder, tavern keeper, retailer, confectioner, or keeper of a shop or house for the sale of drink or food, or a livery stable keeper for horse or carriage hire, shall give credit to a student, who is a

Credit not to be given to students who are minors.

minor, in an incorporated academy or other educational institution within this state.

SECTION 2. Section twenty-three of chapter one hundred and two of the Public Statutes is hereby repealed. P. S. 102, §23,
repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 3, 1893.

AN ACT RELATING TO THE CONSTRUCTION, MAINTENANCE AND INSPECTION OF BUILDINGS IN THE CITY OF BOSTON.

Chap. 293

Be it enacted, etc., as follows :

SECTION 1. No building two stories or more in height, hereafter erected in the city of Boston, and no such building in said city not used at the passage of this act as a schoolhouse, church, theatre, public building, hall, place of assembly or public resort, tenement house, boarding house or lodging house, or as a factory or workshop where ten or more persons are employed, or used above the second story as a dwelling by two or more families, shall be used for any of said purposes unless such building is provided with at least two independent and sufficient ways of egress. One of said ways of egress shall consist of a flight of stairs extending from the lowest to the highest floor, made of fireproof material and enclosed in brick walls, with the enclosed space or stairway provided with a ventilating skylight which can be opened and closed from every floor, and having no opening other than for said skylight, and for doors from apartments and corridors. The other way of egress shall be a flight of stairs approved by the inspector of buildings, and may project over a public way. Every way of egress from every such building shall be kept in good repair and unobstructed. Ways of egress
from buildings
two or more
stories in height
in Boston, etc.

SECTION 2. Section eighty-two of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two is hereby repealed. 1892, 419, §82,
repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 3, 1893.

AN ACT TO AUTHORIZE THE CITY OF NEWTON TO DIVIDE WARD ONE INTO TWO PRECINCTS.

Chap. 294

Be it enacted, etc., as follows :

SECTION 1. The mayor and aldermen of the city of Newton are hereby authorized to divide the first ward of said city into two precincts, so that that part of the village Ward one of
the city of
Newton may be
divided into two
precincts.

of Newton now in said ward, and the territory contiguous thereto, shall constitute one such precinct, and that portion of the village of Nonantum or North village, and the territory contiguous thereto, shall constitute the other precinct; the boundaries of such precincts shall so far as possible be the centre lines of known streets or ways.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1893.

Chap.295 AN ACT TO AUTHORIZE THE GRAFTON AND UPTON RAILROAD COMPANY TO ISSUE BONDS FOR THE PURPOSE OF PAYING FOR PERMANENT ADDITIONS AND IMPROVEMENTS.

Be it enacted, etc., as follows:

May issue mortgage bonds not exceeding \$50,000.

SECTION 1. The Grafton and Upton Railroad Company, for the purpose of paying for permanent additions to and improvements upon its railroad, its furniture and equipment, is hereby authorized to issue bonds to an amount not exceeding at the par value thereof fifty thousand dollars; and, as security for the payment of such bonds, may mortgage or pledge a part or all of its road, equipment or franchise, or a part or all of its property, real or personal.

Limit of amount, time, interest, etc.

SECTION 2. Such bonds may be issued in sums not less than five hundred dollars each, payable at periods not exceeding twenty years from the date thereof, and may bear interest at a rate not exceeding six per cent. per annum, payable annually or semi-annually.

Approval and certification of bonds.

SECTION 3. Each bond shall be approved by some person appointed by the corporation for that purpose, who shall certify that it is properly issued and recorded.

Approved May 3, 1893.

Chap.296 AN ACT TO AUTHORIZE THE CITY OF NEWTON TO ABATE THE NUISANCE CAUSED BY BOYD'S POND.

Be it enacted, etc., as follows:

May take certain ponds, lands, etc.

SECTION 1. For the purpose of abating the nuisance caused by Boyd's pond, so-called, the city council of the city of Newton may from time to time, within two years from the date of the passage of this act, take by purchase or otherwise and use said pond and the water course known as Laundry brook, flowing through said pond, or any portion thereof in the city of Newton and in the town of Watertown, as far as Cook's pond or Morse's pond,

so-called, and mill rights, dams and rights of flowage connected with Boyd's pond, and such land within one hundred and fifty feet of the centre of said stream and pond as may be necessary for the purposes of this act; and may alter, widen, deepen and straighten the channel of said water course and remove obstructions therefrom.

SECTION 2. In taking said water course and said Boyd's pond, or lands for the purposes aforesaid, said city council shall proceed in the manner prescribed by law in cases where land is taken for ways in said city and said town of Watertown, and persons suffering damages in their property shall have the same rights and remedies for the ascertainment and recovery of such damages as are provided by law for the ascertainment and recovery of damages for land taken for such ways.

Manner of taking lands, etc.; damages.

SECTION 3. All lands, mill rights and other property which may be acquired by the city of Newton within the town of Watertown, under the provisions of this act, shall be subject to the jurisdiction of said town, excepting so far as is herein provided, and shall be and remain a part of the territory of said town of Watertown.

Jurisdiction of lands, etc., in Watertown, etc.

SECTION 4. This act shall take effect upon its passage.

Approved May 3, 1893.

AN ACT RELATING TO DRAIN AND VENTILATING PIPES USED IN BUILDINGS IN THE CITY OF BOSTON.

Chap. 297

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and twenty-five of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two is hereby amended by inserting in the second line, after the word "iron", the words: — or standard wrought iron, — and by inserting in the fifth line, after the word "pipes", the words: — if of wrought iron, shall be of standard weight and strength, and if of cast iron, — so as to read as follows: — *Section 125.* Drain and connecting ventilating pipes shall be of sufficient size, and made of cast iron or standard wrought iron within the building, and for a distance of at least ten feet outside, except that lead pipes may be used for short connections exposed to view. Such pipes, if of wrought iron, shall be of standard weight and strength, and if of cast iron, shall be of uniform thickness throughout, and

1892, 419, §125, amended.

Drain and ventilating pipes.

Weight and strength.

shall have an average weight not less than that below specified, viz. : —

2-inch pipe,	. . . . .	5½ pounds per foot.
3-inch pipe,	. . . . .	9½ pounds per foot.
4-inch pipe,	. . . . .	13 pounds per foot.
5-inch pipe,	. . . . .	17 pounds per foot.
6-inch pipe,	. . . . .	20 pounds per foot.
8-inch pipe,	. . . . .	33½ pounds per foot.
10-inch pipe,	. . . . .	45 pounds per foot.
12-inch pipe,	. . . . .	54 pounds per foot.

Drainpipes.

Drainpipes shall be properly secured by irons to walls, laid in trenches to uniform grade, or suspended to floor timbers by strong iron hangers. Every drainpipe shall be supplied with a suitable trap, placed with an accessible clean out, at or near the point where it leaves the building, and shall have a proper fall. Drainpipes shall be carried above the roof open and undiminished in size, and to a sufficient height not less than two feet above the roof, and not less than five feet above the top of any window within fifteen feet. Changes in direction shall be made with curved pipes, and all connections with horizontal or vertical pipes shall be made with Y branches. All drainpipes shall be exposed to sight where practicable within the building, and shall not be exposed to pressure where they pass through walls. Every part of every drainpipe below a cellar floor shall be laid in a brick trench with a concrete base, and shall be accessible through sufficient unattached covers.

1892, 419, §127,
amended.

SECTION 2. Section one hundred and twenty-seven of said chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two is hereby amended by striking out in the fifth line, all after the word “substance”, and inserting in place thereof the following:— Joints of wrought iron pipes shall be made by screwing the same into double heavy cast iron fittings tapped with standard screw thread; joints of cast iron pipes shall be made by thoroughly calking the same with molten lead; joints of lead pipes with iron pipes shall be made by soldering the same into brass ferrules, and calking the ferrules to cast iron pipes or screwing them to wrought iron pipes,—so as to read as follows:— *Section 127.*

Iron pipes to be
tested, coated,
etc.

Iron pipes used in plumbing shall, before being put in place, be first tested by the water or kerosene test, and then coated inside and out with coal tar pitch, applied hot, or with paint, or with some equivalent substance.

Joints of wrought iron pipes shall be made by screwing the same into double heavy cast iron fittings tapped with standard screw thread; joints of cast iron pipes shall be made by thoroughly calking the same with molten lead; joints of lead pipes with iron pipes shall be made by soldering the same into brass ferrules, and calking the ferrules to cast iron pipes or screwing them to wrought iron pipes.

Joints of pipes.

Approved May 3, 1893.

AN ACT TO ESTABLISH THE SALARIES OF THE HARBOR AND LAND COMMISSIONERS. Chap. 298

Be it enacted, etc., as follows:

SECTION 1. The salaries of the members of the board of harbor and land commissioners shall be twenty-four hundred dollars a year for the chairman, and two thousand dollars a year for each of the other commissioners, to be so allowed from the first day of January in the year eighteen hundred and ninety-three.

Salaries established.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1893.

AN ACT TO INCORPORATE THE PEOPLE'S BUILDING ASSOCIATION. Chap. 299

Be it enacted, etc., as follows:

SECTION 1. Edwin Ginn, William P. Fowler, Robert Treat Paine, Emory J. Haynes, Laurence Minot, Arthur B. Ellis, Thomas Doane, John H. Storer, Theodore M. Clark, William D. P. Bliss, John Crowley, Charles J. Page, George W. Pope, Robert Treat Paine, Jr., their associates and successors, are hereby made a corporation for ten years, by the name of People's Building Association, to hold and improve real estate in the city of Boston, or anywhere within ten miles of the city of Boston, for the purpose of erecting, maintaining, leasing, selling and improving homes for working people and others of moderate means, and of promoting the adoption of improved modes of building and the enforcement of sanitary regulations calculated to secure the comfortable and healthful conditions of structures so occupied, subject to the provisions of chapters one hundred and five and one hundred and six of the Public Statutes, and to all general laws which now are or may hereafter be in force relating to such corporations, and shall have the powers and be subject to the liabilities and restrictions prescribed therein.

People's Building Association incorporated.

May buy, hold,
etc., real estate.

SECTION 2. Said corporation shall have power to buy, hold, sell, mortgage and lease real estate for the purposes aforesaid, with a regular place of business in the city of Boston.

Capital stock,
shares and
dividends.

SECTION 3. The capital stock of said corporation shall be fifty thousand dollars, to be divided into shares of the par value of twenty-five dollars each, and the dividends on said shares shall not exceed five per cent. per annum on the par value thereof. The said corporation may from time to time increase its capital stock to an amount not exceeding two hundred thousand dollars.

SECTION 4. This act shall take effect upon its passage.

Approved May 3, 1893.

Chap.300 AN ACT RELATIVE TO THE LAYING OUT OF PUBLIC PARKS BY TOWNS AND CITIES.

Be it enacted, etc., as follows:

Additional
powers given to
park commis-
sioners.

SECTION 1. Any board of park commissioners constituted under the authority of chapter one hundred and fifty-four of the acts of the year eighteen hundred and eighty-two as amended by chapter two hundred and forty of the acts of the year eighteen hundred and ninety, or of any special acts, shall have power to connect any public park, boulevard or driveway under its control, with any part of any city or town in this Commonwealth wherein it has jurisdiction, by selecting and taking any connecting street or streets, or part thereof, leading to such park, and shall also have power to accept and add to any such park any street or part thereof which adjoins and runs parallel with any boundary line of the same: *provided*, that the consent of the public authorities having control of any such street or streets so far as selected and taken, and also the consent in writing of the owners of a majority of the frontage of the lots and lands abutting on such street or streets so far as taken, shall be first obtained.

Proviso.

Improvement
of streets;
assessments.

SECTION 2. Such board of park commissioners, or such public authorities as are by law authorized to levy taxes or assessments for the maintenance of such parks, shall have power to improve such street or streets as they may deem best, and for that purpose they are hereby authorized to pay for the improvement thereof, and from time to time to levy or cause to be levied and collected a special tax or assessment on contiguous property abut-

ting upon such streets so improved, for a sum of money not exceeding one half the estimated cost of such first improvement or improvements as shall be ordered and estimated by such board of park commissioners, but not for any subsequent repairs thereof; and to that end such board or public authorities shall have all the power and authority now or hereafter granted to them respectively, relative to the levy, assessment and collection of taxes or assessments for corporate purposes. And such special taxes or assessments as are hereby authorized may be divided into not exceeding four annual instalments, bearing interest at the rate of five per cent. per annum from the date of confirmation until paid. And the said assessments or instalments thereof shall be collected and enforced in the same manner as is provided by law for the collection and enforcement of other taxes or assessments for or on account of such bodies or boards, so far as the same are applicable.

SECTION 3. Such boards of park commissioners shall have the same power and control over the streets or parts of streets taken under this act as are or may be by law vested in them concerning the parks, boulevards or drive-ways under their control.

Park commis-
sioners to have
control of
streets, etc.

SECTION 4. In case any such streets or parts thereof shall pass from the control of any such park board, the power and authority over the same granted or authorized by this act shall revert to the proper corporate authorities of such city or town, respectively, as aforesaid.

Control of
streets may
revert to other
officials.

SECTION 5. Any city or town shall have full power and authority to invest any of such park boards with the right to control, improve and maintain any of the streets of such city or town, for the purpose of carrying out the provisions of this act.

Cities and towns
may invest park
boards with
control, etc., of
streets.

SECTION 6. The provisions of chapter one hundred and fifty-four of the acts of the year eighteen hundred and eighty-two, so far as the same relate to the number and manner of appointment of park commissioners, shall apply to all cities in which park commissions have been established by special law. In towns and cities having boards of park commissioners said boards shall have charge of all public pleasure grounds and of the planting and care of trees and shrubs in the public highways and about public buildings.

Appointment
of park com-
missioners in
cities.

Control of pub-
lic pleasure
grounds, etc.

Approved May 3, 1893.

*Chap.*301 AN ACT TO ESTABLISH A RIVER LINE ALONG THE BANK OF THE
CONNECTICUT RIVER AT SPRINGFIELD.

Be it enacted, etc., as follows :

River line
established.

SECTION 1. No wharf, pier, wall, filling or other structure or work shall ever hereafter be built or extended in the Connecticut river at Springfield beyond the river line herein described, except that the city of Springfield may, upon license from the board of harbor and land commissioners, extend sewer outfalls beyond said line. Said river line is hereby established as follows :—Beginning at a point marked A, in the boundary line between the cities of Chicopee and Springfield and one hundred and eighty feet southwesterly from the stone monument in said line on the easterly line of Plainfield street ; thence running southerly on the arc of a circle with a radius of thirty-two hundred feet, following the general trend of the shore of the river, to the northerly line of a private street called Rowland avenue extended to a point marked B, twelve hundred and forty-six feet southwesterly from the intersection of the northerly line of Rowland avenue and the westerly line of Plainfield street ; thence running southeasterly by a straight line tangent at the point B, to the curved line A-B, seven hundred and eighty-four feet, to a point marked C ; thence running southeasterly on an arc of a circle, curving easterly, with a radius of fourteen hundred feet tangent at the point C, to the line B C, five hundred and eighty-seven feet, to a point marked D ; thence running southeasterly by a straight line about sixteen hundred and fifty-eight feet, to the southerly line of Lowell street extended to a point marked E, fourteen hundred and eighty-two feet southwesterly from the intersection of the southerly line of Lowell street and the westerly line of Plainfield street ; thence running southeasterly by a straight line about nine hundred and five feet, to the northerly line of West street extended to a point marked F, twelve hundred and fifty-six feet southwesterly from the intersection of the northwesterly line of West street and the westerly line of Plainfield street ; thence running southeasterly on the arc of a circle, curving easterly, with a radius of fifty-two hundred and sixty-five feet tangent at F, with the line F-E, nineteen hundred and seventy-six feet, to a point marked G ; thence running southeasterly by a straight line about

twenty-three hundred and eighteen feet, to the north-westerly side line of Cypress street extended at a point marked H, four hundred and five feet southwesterly from the intersection of the northeasterly line of Fulton street and the northwesterly line of Cypress street; thence running southeasterly about five hundred and seventy feet, to a point marked I, at the southerly corner of the abutment at the Springfield end of the Boston and Albany Railroad Company's bridge over the Connecticut river; thence continuing southeasterly, a little more southerly, parallel with the face of the river wall of the New York, New Haven and Hartford Railroad Company, three hundred and forty feet, to a point marked J; thence continuing southeasterly, a little more easterly, about seven hundred feet, to the southerly line of Bridge street extended at a point marked K, two hundred and fifty-eight feet southwesterly from the intersection of the southerly line of Bridge street and the southwesterly line of Water street; thence continuing southeasterly, a little more southerly, about twelve hundred and thirty feet, to the northwesterly line of Elm street extended at a point marked L, three hundred and sixty-five feet southeasterly from the intersection of the northwesterly line of Elm street and the southwesterly line of Water street; thence continuing southeasterly, still more southerly, about nineteen hundred feet, to the southeasterly line of Banks avenue extended at a point marked M, six hundred and eighty feet southwesterly from the intersection of the southeasterly line of Banks avenue and the southwesterly line of Water street; thence continuing southeasterly, still more southerly, parallel with the main line tracks of the New York, New Haven and Hartford railroad, to a point marked N, one thousand feet northerly from the southerly side line of the South End bridge over the Connecticut river at its intersection with the abutment at the Springfield end of the bridge; thence continuing southeasterly about one thousand and three feet, to a point in the southerly side line of said bridge marked O, thirty feet southwesterly from the face of said abutment and two hundred and thirty-eight and nine tenths feet southwesterly from the intersection of the prolongation of said southerly side line of said South End bridge with the easterly side line of South street; thence running southerly on the arc of a circle with a radius of twenty-four hundred feet,

River line
established.

River line
established.

curving westerly, for a distance of thirty-one hundred and thirty-nine feet, to a point marked P; thence running southwesterly five hundred feet, by a straight line tangent at P, with the line O-P, to a point marked Q; thence running southwesterly eight hundred and ninety-two feet, on an arc of a circle, curving southerly, with a radius of sixteen hundred feet tangent at Q, to the line P-Q, to a point marked R; thence running southwesterly about three hundred and eighty feet in a straight line tangent at R, to the line Q-R, to the boundary line between the city of Springfield and the town of Longmeadow at a point marked S, fifteen feet northwesterly from the stone monument in said boundary line between the New York, New Haven and Hartford railroad and the bank of the Connecticut river.

No structure
or filling to be
done without
license.

SECTION 2. No structure or filling shall be done inside of said river line and beyond the present bank of the said river without authority or license therefor first duly obtained under and subject to the provisions of chapter three hundred and forty-four of the acts of the year eighteen hundred and eighty-five and chapter nineteen of the Public Statutes.

SECTION 3. This act shall take effect upon its passage.

Approved May 3, 1893.

Chap. 302 AN ACT RELATIVE TO NOTICES FROM LOCAL BOARDS OF HEALTH IN CASES OF DISEASES DANGEROUS TO THE PUBLIC HEALTH.

Be it enacted, etc., as follows:

1883, 138, §1,
amended.

SECTION 1. Section one of chapter one hundred and thirty-eight of the acts of the year eighteen hundred and eighty-three is hereby amended by inserting in the third line of said section, after the word "smallpox", the words: — or of any other disease dangerous to the public health, — and by striking out in the fifth line, the words "lunacy and charity", so as to read as follows:—

Board of health
to notify state
board of cases
of smallpox,
etc.

Section 1. When the board of health of any city or town has had notice of the occurrence of a case of smallpox or of any other disease dangerous to the public health in such city or town, such board of health shall, within twenty-four hours after the receipt of such notice, notify the state board of health of the same.

1883, 138, §2,
amended.

SECTION 2. Section two of said chapter is hereby amended by inserting after the word "smallpox", in the

second line of said section, the words:—or of any other disease dangerous to the public health,—so as to read as follows:—*Section 2.* If the board of health of the city or town, in which a case of smallpox or of any other disease dangerous to the public health has occurred, refuses or neglects to send a notice as required in section one, such city or town shall forfeit its claim upon the Commonwealth for the payment of any expenses which may be incurred, as provided in section eighty-three of chapter eighty of the Public Statutes.

Town to forfeit claim for expense if notice is not given.

Approved May 3, 1893.

AN ACT RELATIVE TO THE MANNER OF APPORTIONING THE EXPENSE OF THE SUPERVISION OF FOREIGN MORTGAGE CORPORATIONS.

Chap. 303

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter four hundred and twenty-seven of the acts of the year eighteen hundred and eighty-nine is hereby amended by striking out all of said section after the word “corporations”, in the sixth line, and inserting in place thereof the following words:—For the purpose of providing for the salary of the commissioner, and other expenses approved by the governor and council, an annual license fee of fifty dollars, payable in advance, shall be assessed upon every association or corporation doing business under this act: *provided*, that if the sum realized is not sufficient to meet the expenses, the balance shall be borne by the several companies in proportion to their business done in this Commonwealth, and shall be assessed and recovered in the same manner provided for the assessment and recovery of the expenses of the railroad commissioners,—so as to read as follows:—*Section 6.* The compensation of the commissioner shall be three thousand dollars per annum, payable monthly from the treasury of the Commonwealth, which, together with all incidental and travelling expenses authorized and approved by the governor and council, shall be borne by the several companies and corporations. For the purpose of providing for the salary of the commissioner, and other expenses approved by the governor and council, an annual license fee of fifty dollars, payable in advance, shall be assessed upon every association or corporation doing business under this act: *provided*, that if the sum realized is not sufficient to meet the expenses, the balance shall be borne by the several companies in propor-

1889, 427, §6, amended.

Compensation of commissioner.

Apportionment of expenses, etc.

tion to their business done in this Commonwealth, and shall be assessed and recovered in the same manner provided for the assessment and recovery of the expenses of the railroad commissioners.

Commissioner may authorize certain corporations to transact business, etc.

SECTION 2. The commissioner upon the payment of such fee shall, if satisfied with the condition of any company or corporation doing business under the provisions of said chapter, issue a license to such company or corporation, allowing them to do business in this Commonwealth for one year from the date thereof, provided their condition continues satisfactory to him; and no company or corporation subject to the provisions of said chapter shall do business in this Commonwealth unless it holds such a license, and if the condition of any company shall become unsatisfactory to him he may revoke such license.

To take effect July 1, 1893.

SECTION 3. This act shall take effect upon the first day of July in the year eighteen hundred and ninety-three.

Approved May 3, 1893.

Chap. 304 AN ACT TO PROVIDE FOR THE ELECTION OF SEWER COMMISSIONERS
IN TOWNS.

Be it enacted, etc., as follows:

Sewer commissioners in towns, election and terms of office.

SECTION 1. Any town which shall have accepted the provisions of this act, at a meeting duly called for that purpose, may choose by ballot three competent and discreet persons, inhabitants of said town, who shall constitute a board of sewer commissioners, one of whom shall be chosen for the term of one year, one for the term of two years and one for the term of three years from the date of the annual meeting of said town at which they may be chosen, or if they shall be chosen at a meeting other than the annual meeting, then for the term of one, two and three years, respectively, from the date of the annual meeting next preceding their election, and until their successors are chosen and qualified; and at every subsequent annual meeting the voters of such town shall choose one person, qualified as aforesaid, to be a member of said board, to serve for the term of three years: *provided*, that such acceptance, at any annual meeting thereafter called for that purpose, may be revoked and said board abolished.

Proviso.

Powers and duties.

SECTION 2. Said sewer commissioners shall have and perform exclusively all the powers and duties now vested

by law in selectmen and road commissioners, concerning the laying, maintaining, altering or discontinuing of sewers.

SECTION 3. Said commissioners shall be sworn to the faithful discharge of the duties of their office and shall receive such compensation for their services as the town may determine.

To be sworn,
compensation.

SECTION 4. Whenever a vacancy occurs in said board of sewer commissioners the same shall be filled by the selectmen of such town, and the person so appointed shall hold his office until another shall be chosen at the next annual meeting of said town and qualified.

Filling of
vacancies.

SECTION 5. This act shall take effect upon its passage.

Approved May 3, 1893.

AN ACT TO ESTABLISH THE WIDTH OF CAMBRIDGE STREET IN THAT PART OF BOSTON KNOWN AS ALLSTON.

Chap.305

Be it enacted, etc., as follows :

SECTION 1. The board of street commissioners of the city of Boston may by vote establish the width of that part of Cambridge street lying between Harvard avenue and Charles river, in the part of Boston known as Allston, and thereafter the mayor of said city may release to the owners of the several estates abutting on said street any lands within said street as it existed prior to said vote and not included in the street established as aforesaid, to the extent to each owner that such lands adjoin any such estate owned by him.

Establishment
of width of
Cambridge
street in
Allston, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1893.

AN ACT RELATIVE TO THE POWERS AND DUTIES OF THE BOARD OF CATTLE COMMISSIONERS.

Chap.306

Be it enacted, etc., as follows :

SECTION 1. Each member of the board of cattle commissioners shall have all the power and authority conferred upon boards of health by sections one, two and three of chapter two hundred and fifty-two of the acts of the year eighteen hundred and eighty-seven, except the power and authority to make regulations in writing to regulate or prohibit the passage from, to or through any city or town, or from place to place within the same, of any cattle or other domestic animals, and all the power

Board of cattle
commissioners,
powers and
duties.

Proviso. and authority conferred upon inspectors of provisions and animals under chapter fifty-eight of the Public Statutes : *provided, however*, that no appeal from any act done by any of said commissioners under said chapter fifty-eight shall lie to the board of health, as provided in section two of said chapter.

Animals to be isolated or killed, etc. SECTION 2. When any member of the board of cattle commissioners, by an examination of a case of contagious disease among domestic animals, becomes satisfied that the public good requires it, he shall cause such animals to be securely isolated, at the expense of the owner, or he shall cause them to be killed without appraisal or payment; but may pay the owner or any other person an equitable sum for the killing and burial thereof, and may also pay a reasonable sum for the animal destroyed, should it appear by a post mortem examination or otherwise that said animal was free from the disease for which it was condemned.

Owner may be paid, etc. Contagious diseases. SECTION 3. Contagious diseases within the meaning of this act shall include glanders, farey, contagious pleuropneumonia, tuberculosis, Texas fever, foot and mouth disease, rinderpest, hog cholera and rabies.

Penalty for failure to comply with regulation, etc. SECTION 4. A person who fails to comply with a regulation made or order given by the board of cattle commissioners or any of its members, in the discharge of his or their duty, shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding one year.

Inspectors of provisions, etc., appointment in certain towns. SECTION 5. Whenever the officers of a city or town refuse or neglect to carry into effect the provisions of section one of chapter fifty-eight of the Public Statutes as amended by section one of chapter one hundred and ninety-five of the acts of the year eighteen hundred and ninety-two and by section one of chapter four hundred and thirty-two of the acts of the year eighteen hundred and ninety-two, the commissioners shall have the power to appoint one or more persons to be such inspectors of provisions and of animals intended for slaughter or kept for the production of milk, within said city or town. Such inspectors shall be sworn faithfully to discharge the duties of their office and shall receive such compensation, not exceeding the sum of five hundred dollars a year each, as the commissioners shall determine, such compensation to be paid by such city or town; and such city or town

To be sworn, compensation.

shall be liable to forfeit a sum not exceeding five hundred dollars for such refusal or neglect.

SECTION 6. The mayor and aldermen of cities and the selectmen of towns shall have the power to remove any person appointed by them to be an inspector under section one of said chapter fifty-eight of the Public Statutes as amended by section one of chapter one hundred and ninety-five of the acts of the year eighteen hundred and ninety-two, and by section one of chapter four hundred and thirty-two of the acts of the year eighteen hundred and ninety-two, and the board of cattle commissioners shall have the power to remove any inspector appointed under said section whenever said inspector neglects or refuses to be sworn and properly perform the duties of said office, and in such case shall appoint another person in his place to serve for the balance of his term.

Removal of inspectors, etc.

SECTION 7. The board of cattle commissioners may appoint a clerk to keep the records of their doings, who shall receive such compensation, not exceeding the sum of five hundred dollars a year, as they shall determine.

Clerk of cattle commissioners, appointment and compensation.

SECTION 8. Sections twelve and thirteen of chapter two hundred and fifty-two of the acts of the year eighteen hundred and eighty-seven, and section three of chapter one hundred and ninety-five of the acts of the year eighteen hundred and ninety-two, are hereby repealed.

1887, 252, §§12, 13; 1892, 195, §3, repealed.

Approved May 3, 1893.

AN ACT RELATING TO THE REPAIRING OF STATE BALLOT BOXES.

Chap. 307

Be it enacted, etc., as follows:

The repairing of state ballot boxes shall be at the expense of the cities and towns to which such ballot boxes are furnished.

Repairing of state ballot boxes.

Approved May 3, 1893.

AN ACT RELATING TO THE RECORDING AND RETURNING OF THE NUMBER OF PERSONS VOTING AT ELECTIONS.

Chap. 308

Be it enacted, etc., as follows:

The records and returns made in accordance with the requirements of section ninety-five of chapter four hundred and twenty-three of the acts of the year eighteen hundred and ninety shall include the number of names of persons of each sex checked as having voted.

Recording and returning number of persons voting at elections.

Approved May 3, 1893.

*Chap.*309 AN ACT TO PROVIDE AN ADDITIONAL WATER SUPPLY FOR THE
TOWN OF MELROSE.

Be it enacted, etc., as follows:

*Additional
water supply
for the town of
Melrose.

SECTION 1. The town of Melrose, for the purpose of furnishing additional water supply to the inhabitants of the town, may take, hold and use the waters of the great pond known as Ell pond, otherwise Crystal pond, situated in the town of Melrose, and the waters which flow into and from the same, and sink wells upon any lands situate therein; and may also from time to time take and hold, by purchase or otherwise, such lands, rights of way and easements within the said town as may be deemed necessary for holding, preserving and protecting any waters thus obtained, and for conveying the same to any part of the said town of Melrose; and may erect on the land thus taken or held proper dams, reservoirs, buildings, fixtures and other structures; and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and maintain conduits, pipes and such other works as may be deemed necessary for drawing, collecting, purifying, storing, retaining, discharging, conducting and distributing said waters through the said town of Melrose.

To cause to be
recorded in
registry of
deeds a descrip-
tion of land
taken, etc.

SECTION 2. Said town shall, within sixty days after the taking of any lands, rights of way or easements aforesaid, otherwise than by purchase, for the purposes of this act, file and cause to be recorded in the registry of deeds for the county of Middlesex, southern district, a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same were taken, which statement shall be signed by the water commissioners of the town of Melrose.

Damages.

SECTION 3. The said town shall be liable to pay all damages sustained by any persons or corporations in property by the taking of or injury to any of their land, water, water rights, easements or property, or by any other thing done by said town under the authority of this act: *provided, however*, that said town shall not be liable to pay any damage resulting from the taking and using of the waters of the said great pond other than the state itself would be legally liable to pay. Any person or corporation sustaining damages as aforesaid under this

act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

SECTION 4. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate seventy-five thousand dollars. Such bonds, notes and scrip shall bear on their face the words, Melrose Water Loan; shall be payable at the expiration of periods not exceeding twenty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding four per centum per annum, and shall be signed by the treasurer of the town of Melrose and be countersigned by the water commissioners of said town. The town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper, provided that such securities may not be sold or pledged at less than the par value thereof. The provisions of sections seven and eight of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy, in regard to establishing and maintaining a sinking fund for the redemption of the Melrose water fund bonds, shall apply to this act; and said sinking fund shall remain inviolate and pledged to the payment and redemption of the Melrose water loan.

Melrose Water
Loan not ex-
ceeding \$75,000.

Sinking fund.

SECTION 5. Whoever wilfully, wantonly or maliciously corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town, under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful, wanton

Penalty for wil-
ful pollution or
diversion of
water, etc.

or malicious acts shall be punished by a fine not exceeding three hundred dollars and by imprisonment not exceeding one year in the house of correction in the county of Middlesex.

Powers and duties of water commissioners.

SECTION 6. All the authority granted to the town of Melrose by this act shall be vested in the board of water commissioners of said town, chosen and elected as provided by section six of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote.

Subject to acceptance by a two thirds vote.

SECTION 7. This act shall take effect upon its passage, but shall become void unless it is accepted by a two thirds vote of the voters of said town present and voting thereon at any legal town meeting called for the purpose within three years from its passage. *Approved May 4, 1893.*

Chap.310 AN ACT TO CHANGE THE NAME OF THE UNION CALVINISTIC SOCIETY OF THE SOUTH PART OF THE TOWN OF ABINGTON.

Be it enacted, etc., as follows :

Name changed.

SECTION 1. The name of The Union Calvinistic Society of the South Part of the Town of Abington is hereby changed to The Union Calvinistic Society of Whitman.

Devises, etc., to vest in The Union Calvinistic Society of Whitman.

SECTION 2. All devises, bequests, conveyances and gifts heretofore or hereafter made to said corporation by either of said names shall vest in The Union Calvinistic Society of Whitman.

SECTION 3. This act shall take effect upon its passage.

Approved May 4, 1893.

Chap.311 AN ACT TO EXTEND THE TERM OF OFFICE OF THE BOARD OF COMMISSIONERS FOR THE PROMOTION OF UNIFORMITY OF LEGISLATION IN THE UNITED STATES.

Be it enacted, etc., as follows :

1891, 405, §1, amended.

SECTION 1. Section one of chapter four hundred and five of the acts of the year eighteen hundred and ninety-one is hereby amended by striking out the word "two", in the ninth line, and inserting in place thereof the word : — six, — so as to read as follows : — *Section 1.* The governor shall with the advice and consent of the council, within thirty days after the passage of this act, appoint three suitable persons, who are hereby constituted a board

Board of commissioners for the promotion of uniformity of legislation in the United States.

of commissioners by the name and style of Commissioners for the Promotion of Uniformity of Legislation in the United States. The said commissioners shall meet and organize within thirty days after the said board shall be appointed, and shall hold office for a term not exceeding six years from the day of such organization. Any vacancy in the office of such commissioner by resignation or otherwise shall be filled for the unexpired term of appointment by the appointment of a suitable person by the governor with the advice and consent of the council. The governor may remove for cause any or all of said commissioners.

SECTION 2. The sum of two thousand one hundred and eighteen dollars and seventy-eight cents, being the unexpended balance of the appropriation of twenty-five hundred dollars made to carry out the provisions of said act, may be expended for such necessary expenses as may be incurred by said board of commissioners in the performance of their duties.

Appropriation
for expenses.

SECTION 3. This act shall take effect upon its passage.

Approved May 4, 1893.

AN ACT RELATING TO THE REPAIR OF PRIVATE DRAINS IN STREETS
OR WAYS.

Chap. 312

Be it enacted, etc., as follows :

SECTION 1. Every owner of an estate which drains into a private drain in a public or private street or way, who shall neglect to put such drain in good repair and condition for ten days after being notified by the board of health of the city or town that the drain is out of repair and condition, shall be liable to a fine not exceeding twenty dollars for every day that such neglect continues after the expiration of said ten days.

Penalty for
neglecting to
repair private
drains in streets
or ways.

SECTION 2. This act shall take effect in any city when accepted by the city council thereof, and in any town when accepted by a majority vote of the voters of such town present and voting at a meeting of said town duly called for that purpose.

To take effect
upon accept-
ance.

Approved May 4, 1893.

AN ACT EXTENDING THE POWERS OF THE INSPECTOR OF PROVI-
SIONS, MILK, BUTTER, CHEESE AND VINEGAR FOR THE CITY OF LYNN.

Chap. 313

Be it enacted, etc., as follows :

SECTION 1. Section one of chapter three hundred and sixty-nine of the acts of the year eighteen hundred and

1892, 369, §1,
amended.

Inspector of provisions, etc., for the city of Lynn.

ninety-two is hereby amended by inserting in the third line, after the word “provisions”, the words:— and of animals intended for slaughter or kept for the production of milk,— and by inserting in the eleventh line, after the word “provisions”, the words:— and inspectors of animals intended for slaughter, and inspectors of animals kept for the production of milk,— so as to read as follows:— *Section 1.* The board of health of the city of Lynn, and its successors, is authorized and empowered to appoint an inspector of provisions, and of animals intended for slaughter or kept for the production of milk, who shall also be an inspector of milk, butter, cheese and vinegar. Said officer shall be appointed annually in the month of May, and shall hold office until the first Monday of May of the year following, or until his successor is appointed, and may be removed by said board for cause. He shall be under the control of said board, and shall perform all duties now required by inspectors of milk, butter, cheese and vinegar, and inspectors of provisions, and inspectors of animals intended for slaughter, and inspectors of animals kept for the production of milk, and shall have all the powers that are now vested in said officers respectively.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 4, 1893.

Chap. 314 AN ACT TO AUTHORIZE THE FIRST CONGREGATIONAL SOCIETY IN SOMERVILLE TO SELL AND CONVEY ITS REAL ESTATE AND TO CONFIRM ITS PROCEEDINGS.

Be it enacted, etc., as follows:

May sell real estate, etc.

SECTION 1. The First Congregational Society in Somerville is hereby authorized to sell the real estate now held by it, including the church edifice situated on Highland avenue in the city of Somerville and commonly known as the Unitarian church, and the land upon which it is located or adjoining thereto, and to convey the same by a deed executed by such officer or officers as said society at any meeting thereof may designate, in fee simple or otherwise, and free from any liability on the part of the purchaser to see to the application of the purchase money, and to devote the net proceeds of such sale to the purchase of other land and the erection of a church edifice or other structures thereon for said society.

SECTION 2. The election of officers of said society at its annual meeting held on the first Monday of June in the year eighteen hundred and ninety-two, and the proceedings of said society at its meetings, are hereby ratified, confirmed and made valid.

Election of officers and proceedings confirmed.

SECTION 3. This act shall take effect upon its passage.

Approved May 4, 1893.

AN ACT RELATING TO THE INCREASE OF CAPITAL STOCK BY CORPORATIONS OWNING OR OPERATING A RAILROAD OR RAILWAY BY STEAM OR OTHER POWER.

Chap. 315

Be it enacted, etc., as follows :

SECTION 1. Whenever a corporation owning or operating a railroad or railway by steam or other power increases its capital stock, the new shares to the number necessary to produce the amount necessary for the purposes for which such increase is authorized shall be offered proportionally to its stockholders, at the market value thereof at the time of increase, as shall be determined by the board of railroad commissioners, taking into account previous sales of stock of the corporation and other pertinent conditions. The directors shall cause written notice of such increase to be given to each stockholder who was such at the date of the vote to increase, stating the amount of such increase and the proportion thereof in shares or portions of shares which he would be entitled to receive on a division of the same, and the price at which he is entitled to take the same, and fixing a time, not less than fifteen days from the date of such notice, within which he may subscribe for such additional stock ; and each stockholder may, within the time fixed, subscribe for his portion of such stock, and the same shall be paid for in cash on the issue of a certificate therefor : *provided*, that when the increase in the capital stock does not exceed four per cent. of the existing capital stock of the corporation, the directors may dispose of the same in the manner provided in section two of this act, without first offering the same to the stockholders.

Increase of capital stock by railroad and railway companies.

SECTION 2. If, after the expiration of the notice provided for in the preceding section, any shares of such stock remain unsubscribed for by the stockholders entitled to take them, the directors shall sell the same at auction. All shares to be disposed of at auction under the provisions of this act shall be offered for sale to the highest

Sale of certain shares of stock at auction.

bidder, in the city of Boston or such city or town as may be prescribed by the railroad commissioners; and notice of the time and place of such sale shall be published at least five times during the ten days immediately preceding the sale, in such daily newspapers, not less than three in number, as may be prescribed by the railroad commissioners. No share shall be sold or issued for a less sum to be actually paid in cash than the par value thereof.

P. S. 112, §§53,
59; 113, §16,
repealed.

SECTION 3. Sections fifty-eight and fifty-nine of chapter one hundred and twelve and section sixteen of chapter one hundred and thirteen of the Public Statutes are hereby repealed.

Approved May 4, 1893.

Chap. 316 AN ACT TO AUTHORIZE THE QUINCY AND BOSTON STREET RAILWAY COMPANY TO PURCHASE THE PROPERTY AND FRANCHISES OF THE QUINCY STREET RAILWAY COMPANY AND THE MANET STREET RAILWAY COMPANY AND TO INCREASE ITS CAPITAL STOCK AND ISSUE BONDS.

Be it enacted, etc., as follows:

The Quincy and Boston Street Railway Company may purchase the franchises, etc., of certain other street railway companies.

SECTION 1. The Quincy and Boston Street Railway Company is hereby authorized to purchase all the rights, franchises and property belonging to the Quincy Street Railway Company and the Manet Street Railway Company, or of either of said companies; and said Quincy Street Railway Company and said Manet Street Railway Company, or either of them, are authorized to sell, convey and assign their or its franchises and property, and all the rights, easements, privileges, locations and powers granted, or in any way belonging to them or it, to the said Quincy and Boston Street Railway Company, which company shall, upon such a conveyance being made, have and enjoy all the rights, powers, privileges, locations, easements, franchises and property which heretofore belonged to or were in any way owned by the said Quincy Street Railway Company and the Manet Street Railway Company, or either of them, subject to the duties, liabilities and restrictions applicable to the same under the general laws relating to street railway companies: *provided, however*, that such purchase and sale shall not be valid unless agreed to by a majority of the directors of the contracting corporations, and approved by a majority in interest of the stockholders of such contracting corporations, at meetings called for that purpose.

Proviso.

May increase capital stock,

SECTION 2. For the purpose of carrying out the

authority hereby granted, and for the purpose of building its road over locations now or hereafter granted and not already built upon, of rebuilding the road or roads purchased under the authority given by this act, and of equipping the same, the said Quincy and Boston Street Railway Company by a vote of a majority in interest of its stockholders, at meetings called for the purpose, may increase the capital stock from time to time from the amount of one hundred thousand dollars to an amount not exceeding three hundred thousand dollars, the additional stock to be disposed of in the manner provided in section sixteen of chapter one hundred and thirteen of the Public Statutes; and may issue coupon or registered bonds, bearing interest not exceeding six per centum per annum, to an amount not exceeding the amount of the capital stock actually subscribed for and paid in, for a term of not exceeding twenty years from the date thereof, with interest thereon. The said Quincy and Boston Street Railway Company may make a mortgage of its road and franchise, and any part of its other property, and may include in such mortgage property thereafter to be acquired. Said company may in such mortgage reserve to its directors the right to sell or otherwise dispose of property included in such mortgage which may become worn, damaged or otherwise unsuitable to be used in the operation of its road, providing that an equivalent in value is substituted in lieu thereof. All bonds so issued shall first be approved by some person appointed by the corporation for that purpose, who shall certify upon each bond that it is properly issued and recorded.

Issue mortgage bonds, etc.

SECTION 3. The provisions of section four of chapter three hundred and eight of the acts of the year eighteen hundred and ninety-one are, so far as they are applicable hereto, made part hereof, and shall apply to purchases and sales by and of said companies hereunder.

1891, 308, §4, to apply.

SECTION 4. This act shall take effect upon its passage.

Approved May 4, 1893.

AN ACT TO CHANGE THE NAME AND EXTEND THE POWERS OF THE NANTUCKET BEACH STREET RAILWAY COMPANY. Chap. 317

Be it enacted, etc., as follows:

SECTION 1. The name of the Nantucket Beach Street Railway Company is hereby changed to the Siasconset Street Railway Company.

Name changed.

Motive power.

SECTION 2. Said company may hereafter equip and operate its railway, and any extension or branch thereof, with electricity or any other motive power other than steam.

Locations confirmed.

SECTION 3. The locations heretofore granted to said company by the selectmen of the town of Nantucket are hereby confirmed to said company for its road already constructed and for any extensions or branches thereof.

May increase capital stock.

SECTION 4. The capital stock of said company may be increased by a vote of a majority of the stockholders to any sum not exceeding one hundred thousand dollars.

May construct and operate road on land outside of highways, etc.

SECTION 5. Said company may acquire, by purchase or lease, land not in the public highway, not exceeding sixty feet in width, for the purpose of constructing its tracks thereon, and may construct its tracks and operate its road thereon.

May carry freight and the mails.

SECTION 6. Said street railway company may carry freight on its road, or any extension or branch thereof, or act as a common carrier of goods, or contract to carry and carry the mails.

May issue mortgage bonds not exceeding \$100,000.

SECTION 7. For any or all of the purposes set forth in this act, and for the purpose of constructing, equipping and operating any extension or branch of its road hereafter constructed, said street railway company may issue coupon or registered bonds not exceeding in amount the sum of one hundred thousand dollars, to bear interest at a rate not exceeding six per centum per annum, and running for a period not exceeding thirty years, and may secure the same by a mortgage on the property, rights or franchises now owned or hereafter acquired by it. Said bonds so issued shall be first approved by some person appointed by the corporation for that purpose, who shall certify upon each bond that it is properly issued and recorded. Said bonds shall not be issued until said issue is authorized by a majority in interest of the stockholders of said company at a meeting called for that purpose.

To become void unless extensions are in operation before July 1, 1897

SECTION 8. This act shall take effect upon its passage, but shall become void unless said extensions are constructed and put in operation before the first day of July in the year eighteen hundred and ninety-seven.

Approved May 4, 1893.

AN ACT TO AUTHORIZE THE WAKEFIELD AND STONEHAM STREET RAILWAY COMPANY TO EXTEND ITS RAILWAY AND EQUIP THE SAME WITH ELECTRICITY.

Chap. 318

Be it enacted, etc., as follows :

SECTION 1. The Wakefield and Stoneham Street Railway Company is hereby authorized to construct and operate its railway in the towns of Wakefield, Stoneham, Reading and Saugus, where locations have already been or may hereafter be granted, and in the towns of Melrose and Lynnfield, where locations may be granted by the selectmen of said towns, and to equip its railway with electricity, and to build a power station; and for the above purposes said railway company is hereby authorized to increase its capital stock by an amount not exceeding two hundred thousand dollars, and may issue its mortgage bonds to an amount not exceeding its capital stock actually paid in at the time of said issue of bonds.

May extend its railway and equip the same with electricity.

May increase capital stock and issue mortgage bonds.

SECTION 2. Nothing in this act shall annul any conditions now imposed in any franchise that has been granted by the selectmen of said towns.

Not to annul conditions now imposed.

SECTION 3. This act shall take effect upon its passage.

Approved May 4, 1893.

AN ACT TO SUPPLY THE TOWN OF WEST BOYLSTON WITH WATER.

Chap. 319

Be it enacted, etc., as follows :

SECTION 1. The town of West Boylston may supply itself and its inhabitants with water for the extinguishment of fires and for manufacturing, domestic and other purposes; may establish fountains and hydrants, relocate and discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

Town of West Boylston may supply itself with water.

SECTION 2. The said town, for the purposes aforesaid, and for the purpose of obtaining a supply of water, may take, by purchase or otherwise, and hold the waters of Trout brook, otherwise called Ball brook, and Governor's brook, so-called, in the town of Holden, and the waters that flow into and from the same; and it may take, by purchase or otherwise, and hold any water rights connected with said streams or brooks, and any springs and streams tributary thereto, and the waters of any other ponds or water sources within the watershed of said

May take certain waters, lands, etc

May erect build-
ings, lay down
pipes, etc.

brooks or tributaries thereof, and the waters of any pond, stream or water source, and the tributaries thereof, within the town of West Boylston, and the water rights connected with any of said sources; and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town; and may erect upon the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads or public or private ways, and along any such way in such manner that the same, when completed, shall not unnecessarily obstruct such way; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up, raise and embank any such lands or ways, in such manner as to cause the least hindrance to public travel on such ways; may sink wells, gang or otherwise, or build collecting galleries, and may do all acts necessary for the completion of the same.

To cause to be
recorded in
registry of
deeds a descrip-
tion of lands
taken, etc.

SECTION 3. The said town of West Boylston shall, within ninety days after the taking of any land, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the Worcester district registry of deeds a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for or by such person or persons as may be authorized to act by the said town of West Boylston.

Damages.

SECTION 4. The said town shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or any other thing done by said town under the authority of this act. Any person or corporation entitled to damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, by making applica-

tion at any time within the period of three years from the taking of such land or other property or the doing of any other injury under the authority of this act; but no application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right or any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip, to an amount not exceeding in the aggregate one hundred thousand dollars; such bonds, notes and scrip shall bear on their face the words, West Boylston Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town and be countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, and upon such terms and conditions as it may deem proper. The said town shall pay the interest on said loan as it accrues, and shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

West Boylston
Water Loan
not exceeding
\$100,000.

Sinking fund.

SECTION 6. The said town instead of establishing a sinking fund may, at the time of authorizing said loan, provide for the payment thereof in such annual payments as will in the aggregate extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required shall without further vote be assessed by the assessors in said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Annual pay-
ments.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the

Return of
amount of sink-
ing fund, etc.

amount of sinking fund established under this act, and if none is established, whether action has been taken in accordance with the provisions of the preceding section, and the amount raised and applied thereunder for the current year.

Payment of expenses, interest, etc.

SECTION 8. The town shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Penalty for wilful corruption or diversion of water, etc.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Water commissioners, election, terms of office, powers, duties, etc.

SECTION 10. The said town shall, after its acceptance of this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. The said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and the sinking fund. Any vacancy occurring in said board for any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

SECTION 11. This act shall take effect upon its acceptance by a two thirds vote of the voters of said town present and voting thereon at a legal town meeting called for the purpose within three years from its passage ; but the number of meetings so called in any one year shall not exceed four.

To take effect upon acceptance by a two thirds vote.

SECTION 12. No source of water supply shall be taken under this act for domestic purposes without the recommendation and advice of the state board of health.

Source to be approved by state board of health.

Approved May 4, 1893.

AN ACT TO INCORPORATE THE FALL RIVER AND NEW BEDFORD STREET RAILWAY COMPANY.

Chap. 320

Be it enacted, etc., as follows :

SECTION 1. William C. Trafford, Rufus A. Soule, Frederick O. Dodge, Savory C. Hathaway and Elijah R. Lewis, their associates and successors, are hereby made a corporation under the name of the Fall River and New Bedford Street Railway Company ; with all the powers and privileges and subject to all the duties, conditions and restrictions set forth in all general laws that now are or hereafter may be in force relating to street railway companies, except as hereinafter provided.

Fall River and New Bedford Street Railway incorporated.

SECTION 2. Said company is hereby authorized to construct and operate a railway, with single or double tracks and with convenient turn-outs and switches, in part upon private land and over and upon any streets or highways in the cities of Fall River and New Bedford and the towns of Westport and Dartmouth, as shall be from time to time fixed and determined by the mayor and aldermen of the cities of Fall River and New Bedford for their respective cities, and the selectmen of the towns of Dartmouth and Westport for their respective towns. Said company may construct its tracks over private land and hold the same by purchase or lease.

Location, construction and operation of railway.

SECTION 3. The location of said street railway outside of public streets and highways shall not exceed fifty feet in width.

Location outside of streets, etc.

SECTION 4. Said company may maintain and operate said railway by any approved motive power, other than steam, and with the consent of the mayor and aldermen of the respective cities of New Bedford and Fall River, and the boards of selectmen of the respective towns of

Motive power, alteration of streets, erection and maintenance of poles and wires.

Dartmouth and Westport, may make such underground alterations of the streets and highways, and may erect poles and wires, and may erect and maintain poles and wires on private lands taken, as may be necessary to establish and maintain such motive power.

Capital stock.

SECTION 5. The capital stock of said company shall not exceed three hundred thousand dollars, except that said company may increase its capital stock subject to all general laws applicable to such increase.

May issue mortgage bonds not exceeding \$300,000.

SECTION 6. Said corporation may from time to time, by the vote of the majority in interest of its stockholders, issue coupon or registered bonds to an amount not exceeding three hundred thousand dollars, for a term not exceeding twenty years from the date thereof: *provided*, that no issue of bonds shall be made unless there shall have been actually paid in an amount of the capital stock equal to the amount of such issue. To secure payment of such bonds, with interest thereon, the said corporation may make a mortgage of its road and franchise and any part of its other property, and may include in such mortgage property thereafter to be acquired, and may therein reserve to its directors the right to sell or otherwise in due course of business to dispose of property included therein which may become worn, damaged or unsuitable for use in the operation of its road, provided an equivalent in value is substituted therefor, and bonds issued shall first be approved by some person appointed by the corporation for that purpose, who shall certify upon each bond that it is properly issued and recorded.

To become void except where railway is operated prior to July 1, 1896.

SECTION 7. The provisions of this act shall become void so far as relates to the rights of said company in any of the cities or towns herein mentioned in which it shall not have constructed and operated its railway prior to the first day of July in the year eighteen hundred and ninety-six.

SECTION 8. This act shall take effect upon its passage.

Approved May 5, 1893.

Chap. 321 AN ACT RELATIVE TO THE ADMISSION OF FRATERNAL BENEFICIARY ORGANIZATIONS OF OTHER STATES.

Be it enacted, etc., as follows:

Admission of fraternal beneficiary organizations of other states.

SECTION 1. Fraternal beneficiary corporations of other states paying only disability and death benefits may, upon complying with the provisions of chapter four hundred

and twenty-nine of the acts of the year eighteen hundred and eighty-eight and acts in amendment thereof or in addition thereto, be admitted to this Commonwealth; and such corporations heretofore admitted to transact business in this Commonwealth may continue such business by complying with said acts. The transaction of the business defined in said acts, by any corporation, association, partnership or individuals, unless organized as provided in said acts or admitted as provided herein, is forbidden. Any violation of this section shall be punished as provided in said chapter and acts.

SECTION 2. Section eighteen of chapter four hundred and twenty-nine of the acts of the year eighteen hundred and eighty-eight is hereby amended by striking out all after the word "than", in the sixth line of said section, and inserting in place thereof the following words: — one thousand dollars, and by imprisonment in a jail or house of correction for not less than three months nor more than two years, — so as to read as follows: — *Section 18.* Any such corporation, association or society transacting business in this Commonwealth, and any agent or officer of such corporation, association or society, neglecting to comply with or violating any provision of this act shall be punished by fine of not less than fifty nor more than one thousand dollars, and by imprisonment in a jail or house of correction for not less than three months nor more than two years.

1888, 429, §18,
amended.

Penalty.

SECTION 3. This act shall take effect upon its passage.

Approved May 5, 1893.

AN ACT RELATING TO THE APPOINTMENT OF A SUPERINTENDENT
OF STREETS FOR THE CITY OF MARLBOROUGH.

Chap. 322

Be it enacted, etc., as follows:

Section twenty-six of chapter three hundred and twenty of the acts of the year eighteen hundred and ninety is hereby amended by striking out in the first and second lines, the words "and aldermen shall annually in the month of January elect", and inserting in place thereof the words: — shall appoint annually in the month of January, subject to the confirmation or rejection of the board of aldermen, — by striking out in the fourth line, the word "chosen", and inserting in place thereof the word: — appointed, — by striking out in the fifth line, the word "chosen", and inserting in place thereof the

1890, 320, §26,
amended.

Superintendent
of streets, ap-
pointment, term
of office, re-
moval, compen-
sation, etc.

word: — appointed, — and by striking out in the sixth and seventh lines, the words “at the pleasure of the mayor and”, and inserting in place thereof the following words: — by the mayor, with the consent of the board of, — so as to read as follows: — *Section 26.* The mayor shall appoint annually in the month of January, subject to the confirmation or rejection of the board of aldermen, a superintendent of streets, who shall hold office for one year from the first Monday of February in the year in which he shall be appointed and until his successor is appointed and qualified, unless sooner removed. He shall be removable by the mayor, with the consent of the board of aldermen, and a vacancy may be filled at any time by the mayor and aldermen for the unexpired term. Said superintendent shall receive such compensation for his services as the mayor and aldermen shall from time to time determine, and shall devote his whole time to the service of the city. And said superintendent may appoint one or more foremen to act under his control and direction, who shall receive such compensation as the mayor and aldermen may from time to time determine. It shall be the duty of the superintendent of streets, under the general care and direction of the mayor and aldermen, to superintend the general state of the streets, roads, sidewalks, sewers, drains, bridges, parks, public places and squares of the city, and to attend to the making and repair of the same. Said superintendent shall perform such further duties, not inconsistent with the nature of his office, as the mayor and aldermen may prescribe. All provisions of law applicable to the collection of city, county and state taxes shall apply to the collection of assessments under this act. Said superintendent shall in general, except as otherwise herein provided, have exclusively the powers and be subject to the duties, liabilities and penalties which are by law given to or imposed upon road commissioners of towns.

Powers and
duties.

Approved May 5, 1893.

Chap. 323 AN ACT TO AUTHORIZE THE LYNN AND BOSTON RAILROAD COMPANY TO EXTEND ITS RAILWAY.

Be it enacted, etc., as follows:

May extend
railway through
the towns of
Ipswich and
Essex.

SECTION 1. The Lynn and Boston Railroad Company is hereby authorized to construct, equip, extend, maintain and operate its railway to and through the towns of Ips-

wich and Essex, with all the powers and privileges and subject to all the restrictions, duties and liabilities set forth in the general laws which are now or hereafter may be in force relating to street railways.

SECTION 2. This act shall take effect upon its passage, but shall be void unless said extensions are constructed and operated prior to the first day of July in the year eighteen hundred and ninety-six.

To be void unless extensions are operated prior to July 1, 1896.

Approved May 5, 1893.

AN ACT RELATING TO THE TRIAL OF CAPITAL CRIMES.

Chap. 324

Be it enacted, etc., as follows:

SECTION 1. Section ten of chapter three hundred and seventy-nine of the acts of the year eighteen hundred and ninety-one is hereby amended by adding at the end thereof the words:—when the public interest requires,—so as to read as follows:—*Section 10.* The attorney-general shall appear for the Commonwealth in the trial of indictments for capital crimes when the public interest requires.

1891, 379, §10, amended.

Attorney-general to appear for the Commonwealth, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1893.

AN ACT TO PROVIDE FOR FURNISHING THE STATE HOUSE EXTENSION.

Chap. 325

Be it enacted, etc., as follows:

SECTION 1. The state house construction commissioners are hereby authorized to properly provide the rooms in the state house extension with shelving, cases and all necessary furniture and fittings, ready for occupancy by the various departments to which they have been assigned, and for said purpose may expend a sum not exceeding three hundred and twenty-five thousand dollars.

Furnishing the state house extension.

SECTION 2. All expenses incurred under this act shall be paid from the state house loan of nineteen hundred and one, authorized by chapter three hundred and forty-nine of the acts of the year eighteen hundred and eighty-eight, chapter three hundred of the acts of the year eighteen hundred and eighty-nine and chapter four hundred and thirty-eight of the acts of the year eighteen hundred and ninety-two, in the same manner as is provided for the payment of expenses under chapter four hundred and four of the acts of the year eighteen hundred and ninety-two.

Expenses to be paid from state house loan of 1901.

SECTION 3. This act shall take effect upon its passage.

Approved May 5, 1893.

Chap. 326 AN ACT TO AUTHORIZE THE TOWN OF NORTH BROOKFIELD TO INCREASE ITS WATER INDEBTEDNESS FOR THE PURPOSE OF EXTENDING ITS SYSTEM OF WATER PIPES AND SUPPLYING ELECTRIC LIGHT AND POWER IN CONNECTION WITH ITS WATER WORKS.

Be it enacted, etc., as follows:

North Brook-
field Water
Loan not ex-
ceeding \$50,000.

SECTION 1. The town of North Brookfield, for the purposes mentioned in section five of chapter four hundred and twenty-four of the acts of the year eighteen hundred and eighty-nine and for the purposes mentioned in this act, may issue from time to time bonds, notes or scrip, denominated on their face, North Brookfield Water Loan, to an amount not exceeding fifty thousand dollars in addition to the amounts authorized by said section; said bonds, notes or scrip to be issued upon the terms, restrictions and conditions, and with the same powers as are provided in said act in respect to the loan therein authorized: *provided*, that the whole amount of such bonds, notes or scrip issued by said town, together with those heretofore authorized for the same purposes, shall not in any event exceed the amount of one hundred and fifty thousand dollars; and *provided*, that this section shall not take effect unless it shall be accepted by a two thirds vote of the voters present and voting at a meeting of said town called for the purpose and held within one year from the passage of this act; but the number of meetings so called shall not exceed three.

Proviso.

Subject to ac-
ceptance by a
two thirds vote.

Town of West
Brookfield may
supply itself
with electricity,
etc.

SECTION 2. The said town of North Brookfield is hereby authorized, by means of the power used to pump its supply of water or by such other temporary arrangements as may be necessary, to furnish to said town and the inhabitants thereof electricity for light and power, and for that purpose may make contracts, set poles and extend wires in the public ways of said town; and the powers granted by this section shall be exercised by the board of water commissioners, subject to the provisions of law relating to setting poles and extending wires in the public ways for the purpose of transmitting electricity: *provided*, that this section shall not take effect unless it shall be accepted by a two thirds vote of the voters present and voting at a meeting of said town called for the purpose and held within one year from the passage of this act; but the number of meetings so called shall not exceed three.

Subject to ac-
ceptance by a
two thirds vote.

Approved May 5, 1893.

AN ACT PROVIDING FOR THE EXPENSE OF CLERICAL ASSISTANCE
FOR THE CLERK OF THE SUPREME JUDICIAL COURT OF THE
COMMONWEALTH. Chap.327

Be it enacted, etc., as follows:

SECTION 1. The justices of the supreme judicial court of the Commonwealth are authorized to apply in their discretion any portion of the amount appropriated for their expenses for the current year to provide clerical assistance for the clerk of said court. Clerical assistance for clerk of the supreme judicial court.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1893.

AN ACT MAKING AN APPROPRIATION FOR CERTAIN EXPENSES OF
THE COMMISSIONER OF FOREIGN MORTGAGE CORPORATIONS. Chap.328

Be it enacted, etc., as follows:

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to meet certain expenses of the commissioner of foreign mortgage corporations, to wit:— Appropriation.

For the payment of expenses of the commissioner of foreign mortgage corporations, made necessary by suits brought by said commissioner against certain corporations doing business in this Commonwealth, a sum not exceeding four thousand dollars, being in addition to any amounts heretofore appropriated. Commissioner of foreign mortgage corporations.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1893.

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW. Chap.329

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, except as herein provided, for the purposes specified in certain acts and resolves of the present year, and for certain other expenses authorized by law, to wit:— Appropriations.

For reprinting a list of persons whose names have been changed in this Commonwealth, as provided for by chap- Reprinting list of names changed.

ter one hundred and ninety-one of the acts of the present year, a sum not exceeding two thousand dollars.

Adjutant-general's first clerk.

For the salary of the first clerk in the office of the adjutant general, a sum not exceeding two hundred dollars, as authorized by chapter one hundred and ninety-three of the acts of the present year, being in addition to the two thousand dollars appropriated by chapter eight of the acts of the present year.

School superintendents.

For aiding small towns to provide themselves with school superintendents, as authorized by chapter two hundred of the acts of the present year, a sum not exceeding ten thousand dollars, the same to be in addition to the thirty-five thousand dollars appropriated by chapter eleven of the acts of the present year.

Contagious diseases among cattle, etc.

For the purpose of exterminating contagious diseases among horses, cattle and other animals, a sum not exceeding five thousand dollars, the same to be in addition to the five thousand dollars appropriated by chapter twelve of the acts of the present year.

Sewage of Massachusetts school for the feeble-minded.

For compensation to the city of Waltham for the right of disposal of the sewage of the Massachusetts school for the feeble-minded through their system of sewerage, and as a proportionate assessment upon said school for expense of construction of said sewerage system, a sum not exceeding fifty-five hundred dollars; and for the said school's proportion of the annual expenses of maintaining and operating said sewers, a sum not exceeding five hundred dollars, as provided for in sections two and three of chapter eighty-three of the acts of the present year.

State normal schools.

For the support of state normal schools, a sum not exceeding five hundred dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes, the same to be in addition to any amount heretofore appropriated.

Removal of departments to state house extension.

For expenses in connection with the removal of the various departments to their new locations in the state house extension, a sum not exceeding ten thousand dollars, as authorized by chapter fifty of the resolves of the present year.

Norman Y. Brintnall.

For Norman Y. Brintnall, the sum of one hundred and fifty dollars, as authorized by chapter fifty-two of the resolves of the present year.

State normal school at Westfield.

For improvements at the state normal school at Westfield, a sum not exceeding thirty-five hundred dollars, as

authorized by chapter fifty-six of the resolves of the present year.

For certain improvements at the state almshouse at Tewksbury, a sum not exceeding seventy-five thousand dollars, as authorized by chapter fifty-seven of the resolves of the present year.

State alms-
house.

For providing for a new outfit for the medical department of the militia, a sum not exceeding one thousand dollars, as authorized by chapter fifty-eight of the resolves of the present year.

Medical depart-
ment of the
militia.

For certain improvements at the state normal school at Framingham, a sum not exceeding two thousand one hundred and six dollars, as authorized by chapter sixty of the resolves of the present year.

State normal
school at Fram-
ingham.

For repairing a boiler at the state normal school at Salem, a sum not exceeding three hundred and fifty dollars, as authorized by chapter sixty-one of the resolves of the present year.

State normal¹
school at Salem.

For certain expenses at the state normal school at Bridgewater, the sum of four thousand one hundred and eighty-nine dollars and thirty cents, as authorized by chapter sixty-two of the resolves of the present year.

State normal
school at
Bridgewater.

For providing for consolidating and arranging the laws relating to savings banks and institutions for savings, a sum not exceeding seven hundred dollars, as authorized by chapter sixty-three of the resolves of the present year.

Laws relating to
savings banks,
etc.

For repairs to the farmhouse and for the removal of the old chapel at the state industrial school for girls, a sum not exceeding five hundred dollars, as authorized by chapter sixty-four of the resolves of the present year.

State industrial
school for girls.

For expenses in connection with the publication of the reports of cases of contested elections, as provided for by chapter thirty-six of the resolves of the year eighteen hundred and eighty-six, a sum not exceeding two hundred dollars.

Reports of cases
of contested
elections.

For printing the report of the metropolitan park commission, the sum of two hundred and fifty-two dollars and seventy-eight cents, as authorized by chapter eighteen of the resolves of the present year, the same to be in addition to the amount heretofore appropriated.

Report of the
metropolitan
park com-
mission.

For authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, a sum not exceeding ten

Legislative
committees.

thousand dollars, the same to be in addition to the amount heretofore appropriated.

Adjutant-general's additional clerk.

For the salary of the additional clerk in the office of the adjutant general, a sum not exceeding four hundred dollars, as authorized by chapter two hundred and thirty-one of the acts of the present year, the same to be in addition to the sixteen hundred dollars appropriated by chapter eight of the acts of the present year.

Widow of Samuel Crooks.

For the widow of Samuel Crooks, the sum of eight hundred and sixteen dollars, as authorized by chapter sixty-seven of the resolves of the present year.

Taunton lunatic hospital.

For repairs and improvements at the Taunton lunatic hospital, a sum not exceeding seventeen thousand five hundred dollars, as authorized by chapter sixty-eight of the resolves of the present year.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1893.

Chap. 330 AN ACT RELATING TO A SYSTEM OF SEWERAGE FOR THE CITY OF PITTSFIELD.

Be it enacted, etc., as follows:

City of Pittsfield exempted from 1892, 245, §9.

SECTION 1. The city of Pittsfield is hereby exempted from the operation of section nine of chapter two hundred and forty-five of the acts of the year eighteen hundred and ninety-two.

Powers and duties of commissioners of sewers, etc.

SECTION 2. The commissioners of sewers of the city of Pittsfield, appointed and acting under the provisions of chapter three hundred and fifty-seven of the acts of the year eighteen hundred and ninety, shall in general, except as otherwise provided in said act, have all the powers and duties relating to the laying, making and maintaining of common sewers built in said city under the provisions of said act, and to the ascertaining, making and certifying of assessments therefor, which are or may be given to and imposed upon the mayor and aldermen of cities, relating to laying, making and maintaining common sewers and to making assessments therefor, by the provisions of chapter fifty of the Public Statutes and of any acts in amendment thereof and in addition thereto. All plans and descriptions of common sewers laid by said commissioners of sewers, and all records of the charges of making and repairing the same and of assessments therefor, may be kept in the office of said commissioners instead of the office of the city clerk of said city.

SECTION 3. The city council of said city may by vote determine that the principal and interest of any bonds to be issued by said city, under the provisions of chapter three hundred and fifty-seven of the acts of the year eighteen hundred and ninety, shall be payable in gold coin equal to present value of fineness and weight.

Certain bonds may be made payable in gold coin.

SECTION 4. This act shall take effect upon its passage.

Approved May 5, 1893.

AN ACT RELATIVE TO LEASING OPEN SPACES FOR GARDENS AND PLAYGROUNDS BY CITIES AND TOWNS.

Chap.331

Be it enacted, etc., as follows :

Whenever in any city of the Commonwealth, or in any town of the metropolitan parks district, tenement dwellings are built about or contiguous to open spaces, which the owners may desire to keep open for garden and playground purposes, said spaces, upon the approval of the board of park commissioners, if any, and of the board of health of said city or town, or, in a city or town in the metropolitan parks district having no park commission, upon the approval of the local board of health and the metropolitan park commission, may be leased at a nominal rental, not exceeding the taxes on said open spaces, for a term of not exceeding fifteen years, subject to renewal by such city or town, for the purposes of a neighborhood playground; but the care and control of said spaces shall continue to remain with the proprietors of such dwellings, under the supervision of the park commissions of cities and towns where such commissions exist, and where they do not exist, under the supervision of the board of selectmen.

Leasing of open spaces for gardens and playgrounds by cities and towns.

Approved May 5, 1893.

AN ACT TO ANNEX A PORTION OF THE TOWN OF WEST BRIDGEWATER TO THE CITY OF BROCKTON.

Chap.332

Be it enacted, etc., as follows :

SECTION 1. So much of the town of West Bridgewater, in the county of Plymouth, as lies between the present boundary line between said town and the city of Brockton, in said county, and the following line, that is to say: Beginning at a stone post standing at the intersection of the present line between the city of Brockton and the town of West Bridgewater with the south line of Oak street; thence at a right angle southerly from said

Part of town of West Bridgewater annexed to city of Brockton.

town line two hundred and eighty-nine rods; thence easterly in a line parallel to said town line to the town of East Bridgewater; thence northerly by said town line of East Bridgewater to said present boundary line, — with all the inhabitants and estates therein, is hereby set off from the town of West Bridgewater and annexed to and made a part of the said city of Brockton. The portion thereof lying west of Main street shall constitute a part of the third ward thereof, and the portion lying east of Main street shall constitute a part of the fourth ward thereof, until a new division of the wards of said city is made.

Payment of
taxes.

Apportionment
of state and
county taxes,
etc.

SECTION 2. The inhabitants and estates within the territory above-described, and the owners of said estates, shall be holden to pay all the taxes which have been heretofore legally assessed upon them by the town of West Bridgewater, and all taxes heretofore assessed and not collected shall be collected and paid to the treasurer of the town of West Bridgewater, in the same manner as if this act had not been passed. And until the next state valuation the city of Brockton shall annually, on or before the first day of November, also pay to the town of West Bridgewater the proportion of any state or county tax which the said town of West Bridgewater may be required to pay upon the inhabitants or estates hereby set off, said proportion to be ascertained and determined by the last valuation next preceding the passage of this act; and the assessors of West Bridgewater shall make returns of said valuation, and of the proportion thereof in the town of West Bridgewater and in the city of Brockton respectively, to the secretary of the Commonwealth and to the county commissioners of the county of Plymouth.

Relief and sup-
port of paupers.

SECTION 3. If any person or persons who have heretofore gained a settlement in said town by reason of residence in said territory set off as aforesaid, or by having been proprietors of any part thereof, or who may derive such settlement from any such residence or proprietorship, shall come to want and stand in need of relief, aid and support as paupers, they shall be relieved and supported by said city in the same manner as they would have been by said town had they gained a legal settlement therein.

Election of
national, state
and county
officers.

SECTION 4. Until a new apportionment of representatives shall be made the inhabitants of the territory described in the first section of this act shall, for the purpose of electing state and county officers, members of the execu-

tive council, senators and representatives to the general court, electors of president and vice president of the United States and representatives to congress, remain and continue to be a part of the town of West Bridgewater; and the inhabitants resident therein qualified to vote shall be entitled to vote for said officers, and shall be eligible to the office of representative in the town of West Bridgewater; and shall vote at the place or places at which the inhabitants of West Bridgewater vote. The mayor and aldermen of the city of Brockton shall annually make a true list of all persons resident in said territory, qualified to vote at every such election, and post the same in said territory according to law. They shall also deliver one such list, corrected as required by law, to the selectmen of West Bridgewater before the time of election, to be used thereat.

SECTION 5. Within one year from the passage of this act the city of Brockton shall pay to the town of West Bridgewater such proportion of the net debt, if any, of the town of West Bridgewater as the value of the territory annexed to the city of Brockton, under the provisions of this act, shall bear to the whole valuation of the town of West Bridgewater, according to the last annual assessors' valuation previous to the passage of this act. All the corporate property of the town of West Bridgewater within that part of said town hereby annexed to the city of Brockton shall be vested in and is hereby declared to be the property of the city of Brockton.

Apportionment
of town debt and
town property.

SECTION 6. The question of accepting this act shall be submitted to the voters of the city of Brockton at the next annual state election, and if it shall be accepted by a majority vote of the voters of said city voting upon the question of its acceptance at said election, it shall take effect upon the first day of February following. It shall be the duty of the clerk of said city to certify as soon as may be the ballots cast in said city, and the number of ballots cast in favor of the acceptance of this act and the number of ballots cast against said acceptance in said city, to the secretary of the Commonwealth. The secretary of the Commonwealth shall keep a record of the returns, and if it shall appear that a majority of the votes cast in said city are in favor of the acceptance of this act, the said secretary shall immediately issue his certificate declaring this act to have been duly accepted.

Subject to ac-
ceptance by a
majority vote of
the voters of
Brockton, etc.

Resubmitting of
question to
voters if first
ballot is de-
clared void, etc.

SECTION 7. If any election or balloting upon the question of the acceptance of this act by said city shall, within sixty days thereafter, be declared void by the supreme judicial court upon summary proceedings, on the petition of fifty voters of said city, the question of accepting said act shall be again submitted to the legal voters of said city, and a meeting therefor shall, within thirty days thereafter, be called, held and conducted, and the votes returned and other proceedings had thereon as herein-after provided. But no election shall be held void for informality in calling, holding or conducting the election, or returning the votes or otherwise, except upon proceedings instituted therefor and determined within sixty days thereafter as aforesaid. Notice of the meeting for resubmitting the question of the acceptance of this act to the legal voters of said city shall be given at least seven days before the time of meeting, and the polls shall be opened at nine o'clock in the forenoon and close at six o'clock in the afternoon of said day, and the voting on such question shall be by ballot. In case of the absence of any precinct officer at any precinct meeting held for the purpose aforesaid, a like officer may be chosen pro tempore, by hand vote, and shall be duly qualified, and shall have all the powers and be subject to all the duties of the regular officer of said meeting. Such meetings shall be called, notified and warned by the mayor and board of aldermen of said city in the same manner in which meetings for the election of municipal officers in said city are called, notified and warned. The ballots given in shall be assorted, counted and declared in the several precinct meetings of said city, and records made thereof. The clerk of each precinct shall make return of all ballots given in his precinct, and the number of ballots in favor of the acceptance of this act and the number of ballots against said acceptance, to the board of aldermen of said city. Said returns shall be made within forty-eight hours of the close of the polls. If a majority of all the ballots cast are in favor of the acceptance of this act it shall take effect on the first day of March following. The city clerk shall make return of the result of such second submission to the secretary of the Commonwealth in the manner provided in section six of this act, and said secretary shall keep a record thereof and issue his certificate as provided in said section.

SECTION 8. So much of this act as authorizes and directs the submission of the question of the acceptance of this act to the legal voters of said city shall take effect upon its passage.

Approved May 8, 1893.

AN ACT RELATING TO THE OFFICERS OF THE MASSACHUSETTS REFORMATORY.

Chap. 333

Be it enacted, etc., as follows :

SECTION 1. The officers of the Massachusetts reformatory at Concord shall consist of one superintendent, one deputy superintendent, one chaplain, one physician, one clerk, four turnkeys, one engineer and as many watchmen as the superintendent, subject to the approval of the commissioners of prisons, may deem necessary, but not to exceed fifty-six in number.

Officers of the Massachusetts reformatory.

SECTION 2. The superintendent of said reformatory shall receive a salary of thirty-five hundred dollars a year; the chaplain a salary of two thousand dollars a year; the physician a salary of one thousand dollars a year. The officers appointed by the superintendent shall receive the annual salaries herein respectively set forth as follows, to wit: the deputy superintendent, two thousand dollars a year; the clerk, two thousand dollars a year; the engineer, fifteen hundred dollars a year; each of the turnkeys an annual salary of twelve hundred dollars, and each of the watchmen an annual salary to be ascertained as follows: any watchman who shall have been in the service of said reformatory for less than three years, eight hundred dollars; any watchman who shall have been in said service for three years and less than six years, one thousand dollars; any watchman who shall have been in said service for six years, twelve hundred dollars. In fixing the rate of compensation of the officers as aforesaid, previous service in any prison of the Commonwealth shall be considered. No other perquisite, reward or emolument shall be allowed to or received by any of the said officers, except that there shall be allowed to the superintendent and deputy superintendent sufficient house room, properly furnished, with fuel and lights, for themselves and their families.

Compensation.

SECTION 3. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved May 8, 1893.

Chap.334 AN ACT TO EXTEND THE TIME FOR COMPLETING CERTAIN IMPROVEMENTS IN MYSTIC RIVER.

Be it enacted, etc., as follows:

Time for completing certain improvements in Mystic river extended.

SECTION 1. The time heretofore allowed for the completion of the improvements by the proprietors of the lands, wharves and flats lying between Johnson's wharf and Elm street on Mystic river, authorized by the special laws of this Commonwealth, is, with the rights and subject to the requirements of such laws, extended ten years from the passage hereof.

Not to revive the Mystic River Corporation.

SECTION 2. Nothing herein contained shall be deemed or construed to be a revival of a corporation known as the Mystic River Corporation.

[*The foregoing was laid before the Governor on the second day of May, 1893, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.*]

Chap.335 AN ACT TO PROVIDE FOR THE ELECTION OF A SUPERINTENDENT OF PUBLIC BUILDINGS FOR THE CITY OF BROCKTON.

Be it enacted, etc., as follows:

Superintendent of public buildings, election, term of office, removal, compensation, etc.

SECTION 1. The city council of the city of Brockton shall annually, as soon after their organization as may be convenient, elect by joint ballot, in convention, a superintendent of public buildings, who shall hold office for the term of one year and until his successor shall be elected and qualified: *provided, however*, that said officer may be removed at any time by the city council for sufficient cause. A vacancy occurring in the above-named office may be filled by joint ballot of the city council at any time. The compensation of the above officer shall be fixed by concurrent vote of the city council.

SECTION 2. This act shall take effect upon its passage.

Approved May 10, 1893.

Chap.336 AN ACT TO ANNEX A PART OF THE CITY OF QUINCY TO THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Part of the city of Quincy annexed to the city of Boston.

SECTION 1. All that part of the city of Quincy bounded by Neponset river, Dorchester bay, the channel between Thompson's island, and that part of Quincy known as Squantum, the harbor, the channel between Long island

and Moon island, Quincy bay, and a line beginning at a point A, on a plan drawn by H. T. Whitman, to be recorded in the office of the secretary of the Commonwealth on the passage of this act; said point being at the mouth of the creek discharging into Quincy bay about two hundred feet southerly from Moswetuset hill, so-called; thence the line runs westerly, following the thread of said creek, crossing Squantum street at the present bridge: then continuing in a nearly westerly direction, following substantially the thread of said creek to Billings creek, so-called; thence following the thread of Billings creek to the thread of the channel of Neponset river, said described land being known as Old and New Squantum and Big and Little Moon island, — with all the inhabitants on the lands above-described, is hereby set off and separated from said city of Quincy and made a part of the city of Boston. And the said land and inhabitants thereon shall be deemed and considered as annexed to and constituting a part of said city of Boston, subject to the same municipal regulations, obligations and liabilities and entitled to the same immunities in all respects as other lands and inhabitants in the said city of Boston: *provided, however*, that the said tract of land and the inhabitants thereon, set off as aforesaid, shall be liable to pay all such taxes as are already assessed on them by said city of Quincy, in the same manner as they are now liable.

Proviso.

SECTION 2. If any persons who have heretofore gained a legal settlement in the city of Quincy by reason of residence on the territory set off as aforesaid shall come to want and stand in need of relief and support, they shall be relieved and supported by the city of Boston, in the same manner as if they had gained a legal settlement in said Boston.

Relief and support of paupers, etc.

SECTION 3. The several courts within the county of Suffolk, after this act takes effect, shall have the same jurisdiction over all causes and proceedings in civil causes, and over all matters in probate and insolvency, which shall have accrued within said territory hereby annexed, that said courts now have over like proceedings, causes and actions within the county of Suffolk: *provided*, that the several courts within the county of Norfolk shall have and retain jurisdiction of all causes, proceedings and matters that shall have been rightfully commenced in said courts prior to the time when this act takes effect; and the

Jurisdiction of courts, etc.

superior court within the county of Suffolk and the municipal court of the Dorchester district of Boston shall, after this act takes effect, have the same jurisdiction of all crimes, offences and misdemeanors committed within the territory annexed as they now exercise over crimes, offences and misdemeanors committed in their present jurisdiction. All suits, actions, proceedings, complaints, indictments and prosecutions, and all matters of probate and insolvency, which shall be pending within said territory before any court, commission or justice of the peace, when this act takes effect, shall be heard and determined as though this act had not passed.

Release of interest in certain public property.

SECTION 4. All the interest which the inhabitants of said territory now have in the public property of the county of Norfolk is released to the county of Norfolk; and all interest which said inhabitants have in and to the public property of the city of Quincy is hereby released to the city of Quincy.

To be a part of ward twenty-four of the city of Boston.

SECTION 5. The territory hereby annexed to the city of Boston shall become part of ward twenty-four in the city of Boston and shall so remain until the alteration of the ward limits by the city of Boston as provided by law.

Subject to acceptance within two years.

SECTION 6. This act shall take effect when accepted by the mayor and city council of the city of Boston and the mayor and city council of the city of Quincy, provided the same is accepted by them within two years from its passage.

Approved May 12, 1893.

Chap. 337 AN ACT RELATIVE TO PUBLIC PARKS IN THE CITY OF CAMBRIDGE.
Be it enacted, etc., as follows :

1892, 341, §1, amended.

SECTION 1. Section one of chapter three hundred and forty-one of the acts of the year eighteen hundred and ninety-two is hereby amended by striking out in the second line, the words "within three years", by inserting in the fifth line, after the word "advisable", the words: — upon the recommendation of the board of park commissioners hereinafter mentioned, — and by adding at the end thereof the words: — The fee of such real estate and lands shall vest in said city, — so as to read as follows: — *Section 1.* The city of Cambridge by its city council, at any time after the passage of this act, may take and hold, by purchase or otherwise, any and all such real estate and lands within said city as it may deem

May take lands and lay out public parks.

advisable, upon the recommendation of the board of park commissioners hereinafter mentioned, and may lay out, maintain and improve the same as a public park or parks. The fee of such real estate and lands shall vest in said city.

SECTION 2. Section eight of said chapter is hereby amended by striking out in the ninth line, the word "two", and inserting in place thereof the word:— five, —so as to read as follows:— *Section 8.* For the purpose of defraying the cost of such real estate and lands as may be purchased, taken or held for the purposes aforesaid, and of constructing the park or parks authorized by this act, and paying all expenses incident thereto, the city council of Cambridge shall have authority to issue, in excess of the limit allowed by law, scrip or bonds to be denominated on the face thereof, Cambridge Park Loan, to an amount not exceeding five hundred thousand dollars, bearing interest not exceeding four and one half per centum per annum, payable semi-annually, the principal to be payable at periods of not more than thirty years from the issuing of such scrip or bonds respectively. Said city council may sell the same or any part thereof from time to time, or pledge the same for money borrowed for the above purposes; but the same shall not be sold or pledged for less than the par value thereof. The provisions of the tenth and eleventh sections of chapter twenty-nine of the Public Statutes shall, so far as applicable, apply to this act.

1892, 341, §8,
amended.

Cambridge Park
Loan not ex-
ceeding \$500,-
000.

SECTION 3. Said city may make rules for the use and government of such park or parks, and for breaches of such rules affix penalties, not exceeding twenty dollars for one offence, to be imposed by any court of competent jurisdiction; may appoint a police force to act in such parks, and generally may do all acts needful for the proper execution of the powers and duties granted to or imposed upon such city by this act and said chapter: *provided, however,* that no land shall be taken or any other thing involving an expenditure of money be done under this act or said chapter until an appropriation sufficient to cover the estimated expense thereof shall have been made by a vote of two thirds of each branch of the city council; and such expenditures shall in no case exceed the appropriations made therefor, and all contracts made for expenditures beyond the amount of such appropriations shall be void.

Rules for
government of
parks; appoint-
ment of park
police, etc.

Expenditures
and appropri-
ations.

Park commissioners, election, powers and authority.

SECTION 4. All the rights, powers and authority given to the city of Cambridge by this act and by said chapter, except for the taking of land and assessment of betterments, shall be exercised by said city, subject to all duties, liabilities and restrictions herein contained, through a board of persons to be appointed by said city, who shall be styled park commissioners.

1892, 341, §9, repealed.

SECTION 5. Section nine of chapter three hundred and forty-one of the acts of the year eighteen hundred and ninety-two is hereby repealed.

To take effect upon acceptance.

SECTION 6. This act shall take effect upon its acceptance by the city council of Cambridge.

Approved May 12, 1893.

Chap. 338 AN ACT TO AUTHORIZE THE WORCESTER, LEICESTER AND SPENCER STREET RAILWAY COMPANY TO INCREASE ITS CAPITAL STOCK AND PURCHASE THE RAILWAYS, FRANCHISES AND PROPERTY OF CERTAIN RAILWAY CORPORATIONS.

Be it enacted, etc., as follows:

May purchase the franchises, etc., of certain other railway companies, etc.

SECTION 1. The Worcester, Leicester and Spencer Street Railway Company is hereby authorized, with the approval of the board of railroad commissioners, to purchase and hold the whole or any part of the rights, franchises and property of any street railway company now, or within two years hereafter, having a location in whole or in part in the city of Worcester, including the Worcester and Shrewsbury Railroad Company, and each of said companies may sell, convey and assign to said Worcester, Leicester and Spencer Street Railway Company the whole or any part of its property, rights and franchises, on such terms as may be agreed to by the respective boards of directors of the purchasing and selling corporations, and as shall be approved at meetings called for the purpose by a majority in interest of the stockholders of said corporations respectively.

Extension of railway, etc.

SECTION 2. Said Worcester, Leicester and Spencer Street Railway Company may extend and operate its railway in and through the city of Worcester and the towns of Auburn, Leicester, Oxford, Charlton and Southbridge, upon locations granted to it by the aldermen of said city and the selectmen of said towns, respectively, and all grants and locations heretofore made in said towns to said railway company are hereby ratified and confirmed.

SECTION 3. For the purpose of carrying into effect the provisions of this act, and for no other purpose, said Worcester, Leicester and Spencer Street Railway Company may increase its capital stock and issue its mortgage bonds, but said new issue of capital stock shall not exceed the amount of capital stock authorized by the laws of this Commonwealth and actually paid in by the selling corporations at the time of sale, and their indebtedness incurred under the laws of this Commonwealth for construction, the cost of said extension to Southbridge, and fifty thousand dollars for the further equipment of the power station of the Worcester, Leicester and Spencer Street Railway Company, and the retirement of its floating debt: and said new stock may be exchanged for the said stock of the selling corporations, but in no case at a valuation for said new stock of less than par, and any stock not so used may be sold at public auction or issued in any other way now authorized by law: *provided*, such issue of bonds shall not exceed the capital stock of said railway actually paid in. And said bonds shall not be issued for any purpose for which the company has issued stock.

Increase of capital stock, issue of mortgage bonds, etc.

Proviso.

SECTION 4. After any purchase herein authorized has been effected said Worcester, Leicester and Spencer Street Railway Company shall have, hold and enjoy all the rights, privileges, easements, locations, franchises and property of the selling corporation, and shall be subject to all its duties, debts and liabilities, and shall forthwith file in the office of the secretary of the Commonwealth copies of the votes of the respective corporations assenting to said purchase, certified by the clerks of said corporations respectively.

Rights, liabilities, etc.

SECTION 5. The provisions of section four of chapter three hundred and eight of the acts of the year eighteen hundred and ninety-one are made part hereof, and so far as may be shall apply to purchases and sales by and of said companies hereunder.

1891, 308, §4, to apply.

SECTION 6. Said company may construct and operate its line over any private property which it has acquired by purchase or lease.

Rights over private property.

SECTION 7. The name of said Worcester, Leicester and Spencer Street Railway Company may be changed by vote of its directors to Worcester and Suburban Street Railway Company, and it may increase its board of directors to not more than fifteen.

Name may be changed; number of directors may be increased.

To be void if
road is conveyed
to a foreign
corporation.

SECTION 8. All rights granted under this act shall be null and void in case said road shall be sold or leased to any foreign corporation.

SECTION 9. This act shall take effect upon its passage.

Approved May 12, 1893.

Chap. 339 AN ACT TO PROVIDE FOR THE CONSTRUCTION OF BOYLSTON STREET
IN THE CITY OF BOSTON BETWEEN THE BACK BAY FENS AND BROOK-
LINE AVENUE.

Be it enacted, etc., as follows :

Construction of
Boylston street
in the city of
Boston.

SECTION 1. The board of street commissioners of the city of Boston may lay out and construct, under the provisions of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one as amended by chapter four hundred and eighteen of the acts of the year eighteen hundred and ninety-two, Boylston street in said city, between the Back Bay fens and Brookline avenue, substantially as shown on a plan of the board of survey, filed in the office of the city surveyor of said city, and may lay out and construct said street and the connections or intersections of other streets with the same, in accordance with the widths and lines shown on said plan or in accordance with any other widths and lines which they may deem proper: *provided*, that Boylston street shall not be laid out with a greater width than eighty feet.

Determination
of cost, assess-
ment of better-
ments etc.

SECTION 2. Said board shall, after said street shall have been laid out and constructed, determine the cost incurred in carrying out the order of said board, including the expenses as certified to them by the auditor of said city, of taking land and of all other doings in the laying out and construction of said street, together with the expenses, not exceeding four dollars per lineal foot of sewer, of the sewers and connections, and the laying thereof, and of all other work and materials furnished by or for the city in carrying out the order of said board, except the expenses for gas pipes, water pipes, their connections, and the laying thereof, and shall assess a proportional share of said cost upon the real estate, whether a part thereof is taken for said highway or whether situated on said street or otherwise, which said board shall adjudge receives any benefit and advantage from such laying out, construction and laying of sewers and pipes as aforesaid, beyond the general advantages to all

real estate in such city, to the extent of the total amount of such adjudged benefit and advantage; and the portion of said cost not so paid shall be borne by the city of Boston.

SECTION 3. Except as otherwise specified herein, sections ten, twelve and thirteen of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one, and of acts in amendment or addition thereto, shall apply to all proceedings and work done under this act, but in determining damages sustained by the taking of any part of a parcel of land under this act no allowance shall be made by way of set-off for benefit done to the remainder of said parcel, and except as otherwise specified in section two of this act, sections two, three, five, six, seven and eight of chapter fifty-one of the Public Statutes, shall apply to assessments under this act, and notice shall be given of assessments under this act as provided in chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-five.

Provisions of law applicable to proceedings, work, etc.

SECTION 4. This act shall take effect upon its passage.

Approved May 12, 1893.

AN ACT RELATIVE TO QUIETING TITLES TO REAL ESTATE.

Be it enacted, etc., as follows:

SECTION 1. When the record title of real property is clouded by an adverse claim, or by the possibility of such claim, any person in possession of such real estate claiming an estate of freehold therein or an unexpired term of not less than ten years, and any person who, by force of the covenants in any deed or otherwise, may be liable to damages if such claim should be sustained, may file a petition in the supreme judicial court, setting forth his interest, describing the premises, the claims and the possible adverse claimants so far as known to him, and praying that such claimants may be summoned to show cause why they should not bring an action to try such claim. Where no better description can be given, a general description, as the heirs of A. B., or the like, shall suffice. A person who is in the enjoyment of an easement shall be held to be in possession of real property, within the meaning and for the purposes of this section.

Chap. 340

Parties interested in real property may petition to compel supposed claimant to bring action to try his claim.

Notice to be given.

SECTION 2. Upon such petition the court shall order notice to be given by publication to the supposed claimants, whether residents or non-residents of this Commonwealth, which notice shall bind all the world, but the court may also require personal or other notice, and if, upon return of the order of notice duly executed, the parties notified do not appear within the time limited, or having appeared, disobey the lawful order of the court to try their claim, the court shall enter a decree that they be forever debarred and estopped from having or enforcing any such claim adversely to the petitioner, or his heirs and assigns, in the premises described.

Proceedings in case of non-appearance or disobedience of orders.

Persons who may join in a petition; service, etc.

SECTION 3. Two or more persons owning separate and distinct parcels of land in the same county, and holding under the same source of title, may join in a petition against the same supposed claimants, as may also persons owning separate and distinct interests in the same parcel or parcels. If the petitioner prefers, and the supposed claimants are residents of this Commonwealth, the petition may be inserted like a declaration in a writ, and served by a copy, like a writ of original summons. If the persons notified or summoned appear and disclaim all right and title adverse to the petitioner they shall recover their costs. If they claim title they shall by answer show why they should not be required to bring a suit and try such title; and the court shall make such decree respecting the bringing and prosecuting of such suit as may seem equitable and just. When any judgment or decree shall be rendered for a conveyance, release or acquittance in any court of this Commonwealth, and the party or parties against whom the judgment or decree shall be rendered do not comply therewith, within the time mentioned in said judgment or decree, such judgment or decree shall have the same operation and effect and be available as if the conveyance, release or acquittance had been executed conformably to such judgment or decree, subject to the provisions of the fourth section.

Proceedings upon appearance.

Effect of non-compliance with judgment or decree.

Right of party against whom a judgment or decree has been rendered, etc.

SECTION 4. A party against whom a judgment or decree has been rendered hereunder without other service than by publication in a newspaper, and whose right is barred by such judgment or decree, shall have a right as against the party or parties in whose favor such judgment or decree was entered, or their heirs or devisees, to recover the value at the time he may bring suit, excepting

any improvements of any interest or right of which he may have been deprived by such judgment or decree: *provided*, he might but for such judgment or decree have been able under the statute of limitations then in force to maintain at the date of bringing such suit an action for the recovery of such interest or the enforcement of such right. The court if, because of substantial reasons existing for believing that there are bona fide claimants in existence or for other special cause, it deems justice so demands, may in its judgment or decree require the giving of a bond to respond to any such suit brought within five years from such judgment or decree.

Court may require that a bond be given, etc.

SECTION 5. Chapter one hundred and seventy-six of the Public Statutes is hereby repealed.

P. S. 176 repealed.

SECTION 6. This act shall not affect any proceeding begun under said chapter one hundred and seventy-six prior to the taking effect of this act.

Not to affect proceedings begun under P. S. 176.

SECTION 7. This act shall not apply to any property, right, title or interest of the Commonwealth.

Not to apply to property, etc., of the Commonwealth.

Approved May 12, 1893.

AN ACT TO AUTHORIZE THE CITY OF WALTHAM TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW FOR PARK PURPOSES.

Chap. 341

Be it enacted, etc., as follows:

SECTION 1. The city of Waltham, for the purpose of providing a park system in said city, may incur indebtedness and may from time to time issue bonds or certificates of indebtedness therefor, which shall become due and payable within a period not exceeding fifty years from the date of issue, to an amount not exceeding one hundred thousand dollars beyond the limit of indebtedness now fixed by law for said city; and the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall apply to the issue of such bonds, notes or scrip, and to the establishment of a sinking fund for the payment thereof at maturity.

May incur indebtedness beyond the debt limit for park purposes.

SECTION 2. The city shall, on issuing any of said bonds or certificates of indebtedness, establish a sinking fund and apportion thereto from year to year an amount sufficient with its accumulations to extinguish the debt at maturity. In such apportionment to said sinking fund, one two hundredth part of the amount of bonds or certi-

Sinking fund.

cates of indebtedness issued shall be set apart for said sinking fund in each of the first ten years; one one hundred and fiftieth part in each of the second ten years; one one hundredth part in each of the third ten years; one seventy-fifth part in each of the fourth ten years, and the remainder shall be equally divided in the last ten years. Such sinking fund and its accumulations shall be used for no other purpose than the payment and redemption of such debt. Any premium realized in the sale of said bonds or certificates of indebtedness shall be applied to the payment of the interest on said loan as it accrues.

Refunding of money already expended or appropriated.

SECTION 3. The city of Waltham may use any portion of the issue of bonds or certificates of indebtedness authorized by this act for the purpose of refunding any sums of money already expended or appropriated by said city for park purposes.

SECTION 4. This act shall take effect upon its passage.

Approved May 12, 1893.

Chap. 342 AN ACT FOR THE PROTECTION OF PUBLIC HEALTH IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Lands in Boston to be filled to a certain grade, etc.

SECTION 1. Whenever the board of health of the city of Boston shall adjudge that the public health requires, and shall order that any lands in said city not bordering immediately on tide water be filled to the grade of eleven feet above mean low water, the owners of said land shall forthwith fill the same in accordance with said order and in a manner and with material satisfactory to said board.

Enforcement of orders of board of health.

SECTION 2. Any justice of any court having jurisdiction in equity may, on the petition of the board of health of said city, enforce the provisions of this act by any proper process or decree.

SECTION 3. This act shall take effect upon its passage.

Approved May 12, 1893.

Chap. 343 AN ACT FIXING THE TIMES AND PLACE FOR HOLDING PROBATE COURTS IN THE COUNTY OF BARNSTABLE.

Be it enacted, etc., as follows:

Sessions of probate courts in Barnstable county.

SECTION 1. Probate courts shall be held in each year in the county of Barnstable, at Barnstable on the second Tuesdays of January, February, March, May, June, July, August, September, November and December, and on the first Tuesdays of April and October.

SECTION 2. So much of section forty-eight of chapter one hundred and fifty-six of the Public Statutes as relates to the holding of probate courts in the county of Barnstable is hereby repealed.

Repeal.

SECTION 3. This act shall take effect on the first day of July in the year eighteen hundred and ninety-three.

To take effect July 1, 1893.

Approved May 12, 1893.

AN ACT RELATING TO CLERICAL ASSISTANCE IN THE OFFICE OF THE REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF MIDDLESEX.

Chap. 344

Be it enacted, etc., as follows:

The register of probate and insolvency for the county of Middlesex shall be allowed, in addition to the amount now allowed by law, a sum not exceeding fifteen hundred dollars a year from and after the first day of July in the year eighteen hundred and ninety-three, for clerical assistance actually performed, to be paid from the treasury of the county upon the official certificate of said register, countersigned by the judge of probate and insolvency for said county.

Clerical assistance for register of probate for Middlesex county.

Approved May 12, 1893.

AN ACT RELATING TO THE DUTIES OF DISTRICT ATTORNEYS.

Chap. 345

Be it enacted, etc., as follows:

SECTION 1. Section nineteen of chapter seventeen of the Public Statutes is hereby amended by inserting in the third line, after the word "interested", the words: — and in the hearing, in the supreme judicial court, of all questions of law arising in the cases of which they respectively have charge, — so as to read as follows: — *Section 19.* The district attorneys within their respective districts shall appear for the Commonwealth in the superior court in all cases, criminal or civil, in which the Commonwealth is a party or interested, and in the hearing, in the supreme judicial court, of all questions of law arising in the cases of which they respectively have charge; shall aid the attorney-general in the duties required of him, and shall perform all the duties which he is authorized to perform, and is not required to do personally; but the attorney-general, when present, shall have the direction and management of such prosecutions and suits.

P. S. 17, § 19, amended.

Duties of district attorneys in certain cases, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 12, 1893.

Chap. 346 AN ACT TO AUTHORIZE THE NATICK ELECTRIC STREET RAILWAY COMPANY TO EXTEND ITS RAILWAY, INCREASE ITS CAPITAL STOCK AND ACQUIRE BY PURCHASE THE RAILWAYS, FRANCHISES AND PROPERTY OF CERTAIN RAILWAY CORPORATIONS.

Be it enacted, etc., as follows :

May extend railway, purchase franchise, etc., of other railway corporations, etc.

SECTION 1. The Natick Electric Street Railway Company may extend and operate its lines in and through the towns of Sherborn, Natick, Framingham, Ashland and Hopkinton upon locations granted by the selectmen of said towns respectively; and all grants heretofore made to said company are hereby ratified and confirmed, subject to all the restrictions and conditions imposed by the selectmen of said towns, and it is hereby authorized to purchase and hold the whole or any part of the rights, franchises and property of any street railway company now having a location in whole or in part in said towns; and any such road may sell, convey and assign to said Natick Electric Street Railway Company the whole or any part of its property, rights and franchises, on such terms as may be agreed to by the respective boards of directors of the purchasing and selling corporations, and as shall be approved at meetings called for the purpose by a majority in interest of the stockholders of said corporations respectively: *provided, however*, that no contract of lease, sale, purchase or consolidation between said company and any other street railway company, or traction company, shall be entered into under the provisions of this act until the terms of such contract shall have been first approved by the board of railroad commissioners of this Commonwealth.

Proviso.

May increase capital stock, issue mortgage bonds, etc.

SECTION 2. For the purpose of carrying into effect the provisions of this act, and for no other purpose, said Natick Electric Street Railway Company may increase its capital stock and issue its mortgage bonds, but said new issue of capital stock shall not exceed the capital stock of the selling corporations at the time of sale, the cost of extensions and of power houses, and said new stock may be exchanged for the said stock of the selling corporations, but in no case at a valuation for said new stock of less than par; and any stock not so used may be sold at public auction or issued in any other way now authorized by law: *provided*, said bond issue shall not exceed the capital stock of said railway actually paid in.

Proviso.

SECTION 3. No stock or bonds shall be issued under this act until the terms of such issue shall have been submitted to the board of railroad commissioners and approved by them.

Railroad commissioners to approve issue of stock, etc.

SECTION 4. After any purchase herein authorized has been effected said Natick Electric Street Railway Company shall have, hold and enjoy all the rights, privileges, easements, locations, franchises and property of the selling corporation and shall be subject to all its duties, debts and liabilities and franchise restrictions and conditions, and shall forthwith file in the office of the secretary of the Commonwealth a certificate from the board of railroad commissioners in accordance with the provisions of section three of this act, and copies of the votes of the respective corporations assenting to said purchase, certified by the clerks of said corporations respectively.

Certificate of railroad commissioners and copies of votes of assent to be filed, etc.

SECTION 5. The provisions of section four of chapter three hundred and eight of the acts of the year eighteen hundred and ninety-one are made part hereof and shall apply to purchases and sales by and of said companies hereunder.

1891, 308, § 4 to apply.

SECTION 6. Said company may construct and operate its line over private property, and may acquire the same by purchase or lease.

Rights over private property.

SECTION 7. The name of said Natick Electric Street Railway Company may be changed by vote of its directors to South Middlesex Street Railway Company, and it may increase its board of directors to any number not exceeding eleven.

Name may be changed and number of directors increased.

SECTION 8. All rights granted under this act shall be null and void in case said road shall be sold or leased to any foreign corporation.

To be void if conveyed to a foreign corporation.

SECTION 9. This act shall take effect upon its passage.

Approved May 12, 1893.

AN ACT TO AUTHORIZE FIRE DISTRICT NUMBER ONE IN THE TOWN OF SOUTH HADLEY TO REFUND ITS WATER LOAN.

Chap. 347

Be it enacted, etc., as follows:

SECTION 1. Fire District Number One in the town of South Hadley is hereby authorized to issue bonds, notes or scrip to an amount not exceeding thirty thousand dollars, for the purpose of refunding an equal amount of its water loan, authorized by chapter one hundred and seventeen of the acts of the year eighteen hundred and seventy-three,

May issue bonds for purpose of refunding water loan.

and falling due in the month of April in the year eighteen hundred and ninety-three and in the month of April in the year eighteen hundred and ninety-eight. Such bonds, notes or scrip shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding six per cent. per annum, and may be sold or negotiated at public or private sale, upon such terms and conditions as said district may deem proper. But none of said bonds, notes or scrip shall be issued or sold except in compliance with a vote of the district.

SECTION 2. This act shall take effect upon its passage.

Approved May 12, 1893.

Chap.348 AN ACT FIXING THE TIMES FOR HOLDING PROBATE COURTS IN THE COUNTY OF WORCESTER.

Be it enacted, etc., as follows:

Sessions of probate court in Worcester county.

SECTION 1. Probate courts shall be held in each year for the county of Worcester, at Worcester on the first, second, third and fifth Tuesdays of each month except August, and at Fitchburg on the fourth Tuesday of each month except August.

Repeal.

SECTION 2. So much of section forty-eight of chapter one hundred and fifty-six of the Public Statutes as is inconsistent herewith is hereby repealed.

To take effect September 1, 1893.

SECTION 3. This act shall take effect on the first day of September in the year eighteen hundred and ninety-three.

Approved May 12, 1893.

Chap.349 AN ACT RELATING TO THE FILING OF NOMINATION PAPERS AND THE ACCEPTANCE OF CANDIDATES NAMED THEREIN.

Be it enacted, etc., as follows:

Acceptance of candidates to be filed with nomination papers.

A nomination paper shall not be accepted by the officer with whom it is required to be filed unless accompanied by the written acceptance of the candidate or candidates nominated by such paper.

Approved May 12, 1893.

Chap.350 AN ACT TO CHANGE THE SESSIONS OF THE FIRST DISTRICT COURT OF EASTERN MIDDLESEX.

Be it enacted, etc., as follows:

Sessions of the first district court of eastern Middlesex.

SECTION 1. The sessions of the first district court of eastern Middlesex, now held on Wednesday and Thursday of each week at Wakefield, shall hereafter be held at

Malden; and all processes issued or returnable and now pending at Waketfield shall be heard and determined at Malden.

SECTION 2. This act shall take effect on the first day of July in the year eighteen hundred and ninety-three.

To take effect
July 1, 1893.

Approved May 12, 1893.

AN ACT RELATING TO THE FILING OF CERTIFICATES OF NOMINATION AND NOMINATION PAPERS PRIOR TO SPECIAL STATE ELECTIONS

Chap. 351

Be it enacted, etc., as follows:

Certificates of nomination of candidates for national, state or county offices to be voted for at any special election, shall be filed with the secretary of the Commonwealth on or before the twelfth day preceding the day of the election; nomination papers for the nomination of such candidates shall be filed as aforesaid on or before the eleventh day preceding the day of the election.

Filing of nominations prior to special state elections.

Approved May 12, 1893.

AN ACT RELATING TO PROPERTY HELD FOR THE PURPOSES OF A WATER SUPPLY.

Chap. 352

Be it enacted, etc., as follows:

SECTION 1. Any city or town holding property, taken by purchase or otherwise, for the purposes of its water supply, whether for domestic, manufacturing or other purposes, in another city or town, shall not pay any tax on such property, but shall hereafter in the month of September annually pay to such other city or town for each lot of land held therein for said purposes an amount of money equal to the rate of taxation per thousand dollars in such other city or town, for every one thousand dollars of the average of the assessed valuations of the land, without buildings or other structures, for the three years next preceding the taking thereof, the said assessed valuation for each year being first reduced by the amount of all abatements allowed thereon: *provided, however,* that any land or building from which any revenue in the nature of rent is received from any person occupying or using the same shall be subject to taxation.

Annual payments on certain property held for a water supply.

Proviso.

SECTION 2. The assessors of any city or town in which land is held for the aforesaid purposes on the day of the passage of this act shall, within one year after such passage, determine the aforesaid average valuation of such

Assessors to determine and certify valuations, etc.

land and certify the same to the mayor of the city or the selectmen of the town holding the same ; and the assessors of any city or town in which any land is hereafter taken for the aforesaid purposes shall, within one year after such taking, determine and certify as aforesaid the said average valuation of the land so taken. In determining said average valuation the aforesaid assessed valuation for each lot of such land shall be taken to be the proportional part of the assessed valuation of the estate of which such lot formed a part, which the value of the land thereof, exclusive of buildings and other structures, bore in the year of assessment to the entire value of said estate.

Proceedings in case of dissatisfaction with determination of assessors.

SECTION 3. If the aforesaid mayor of the city or selectmen of the town be dissatisfied with said determination, the said average valuation of such land shall be determined in the manner provided in the preceding section by the superior court for the county in which such land is situated, on appeal of such mayor or selectmen from said determination, filed with the clerk of said court within six months after receiving the aforesaid notice thereof, and the provisions of sections two and four of chapter one hundred and twenty-seven of the acts of the year eighteen hundred and ninety, except as is otherwise provided herein, shall apply to appeals under this act.

SECTION 4. This act shall take effect upon its passage.

Approved May 12, 1893.

Chap. 353

AN ACT TO ABATE THE SMOKE NUISANCE IN LARGE CITIES.

Be it enacted, etc., as follows :

Suppression of smoke caused by use of bituminous coal, etc.

SECTION 1. In cities of over three hundred thousand inhabitants no person shall, after the first day of July in the year eighteen hundred and ninety-three, use bituminous coal for the purpose of making steam in boilers in any building, unless the furnace in which said coal is burned is so built, managed, arranged or equipped that at least seventy-five per cent. of the smoke from said coal is consumed or otherwise prevented from entering the atmosphere, the degree of suppression being determined by the quantity of such smoke emitted, as shown by the density and color of the issuing smoke and the length of time which it is visible, the maximum standard of comparison being a continuous discharge of dense, dark smoke during the time the furnace is in active operation.

SECTION 2. The mayor of any city to which this act applies shall, within one month from its passage, designate some proper person from among the city officials, who shall be charged with its enforcement. And such designation shall thereafter be made annually in the month of January, but shall be subject to change at any time.

Person to be appointed to enforce provisions of law.

SECTION 3. Whoever violates any provision of section one of this act shall be punished by a fine of not less than ten nor more than one hundred dollars for each week during which such violation shall continue.

Penalty.

Approved May 15, 1893.

AN ACT TO INCORPORATE THE ROCKPORT ELECTRIC STREET RAILWAY COMPANY.

Chap. 354

Be it enacted, etc., as follows:

SECTION 1. George R. Bradford, Loring Grimes, Henri N. Woods, Eben G. Abbott, John Tufts, F. Scripture, Zeno A. Appleton, Nathaniel Richardson, James P. Merriden, Amos Rowe, William R. Parker, Edwin Canney, J. L. Woodfall, C. S. Rogers, Edgar Knowlton, T. T. Harwood, A. M. Tapper, L. B. Grimes, A. Robb, A. W. Tarr, Hiram S. Philbrook, George H. Perkins, their associates and successors, are hereby made a corporation under the name of the Rockport Electric Street Railway Company, with all the powers and privileges and subject to all the duties, conditions and restrictions set forth in all general laws that now are or hereafter may be in force relating to street railway companies.

Rockport Electric Street Railway Company incorporated.

SECTION 2. Said company is hereby authorized to construct, maintain and use a railway, with convenient single or double tracks, with suitable turn-outs and switches, upon and over such streets and highways in the town of Rockport as shall be from time to time fixed and determined by the selectmen of said town: *provided*, that no location shall be granted to said company unless said town votes to authorize its selectmen to grant such location by majority vote of the voters present and voting thereon at a town meeting called for the purpose.

May construct, use, etc., railway in Rockport.

Proviso.

SECTION 3. Said company may maintain and operate said railway by animal power or electricity, or any approved motive power other than steam, and, with the consent of the board of selectmen of the town of Rockport, may make such underground alterations of the streets and highways and erect such poles and wires as may be necessary to

Motive power, alteration of streets, erection of poles, wires, etc.

establish and maintain such motive power, except that the said company shall not use a centre surface rail for the transmission of the electric current.

Capital stock.

SECTION 4. The capital stock of said company shall be not less than twenty-five thousand dollars and not more than fifty thousand dollars, except that said company may increase its capital stock subject to all general laws applicable to such increase.

May issue mortgage bonds, etc.

SECTION 5. Said company from time to time by the vote of the majority in interest of its stockholders, may issue coupon or registered bonds to an amount not exceeding the amount of its capital stock actually subscribed for and paid in, for a term not exceeding twenty years from the date thereof; and to secure payment thereof, with interest thereon, said company may make a mortgage of its road and franchise and any part of its other property, and may include in such mortgage personal property thereafter to be acquired. Said company may in such mortgage reserve to its directors the right to sell or otherwise in due course of business dispose of property included in such mortgage, which may become worn, damaged or otherwise unsuitable for use in the operation of its road, provided that an equivalent in value is substituted therefor.

Approval and certification of bonds.

SECTION 6. All bonds issued shall first be approved by some person appointed by the company for that purpose, who shall certify upon each bond that it is properly issued and recorded.

May carry on business as a common carrier, etc.

SECTION 7. Said company is hereby authorized to use its said tracks to carry on the business of a common carrier of goods and merchandise, upon and over any street in said town of Rockport upon which it may be authorized to construct its tracks as aforesaid, subject to the provisions of chapter seventy-three of the Public Statutes and of all laws relating to common carriers, between the hours of nine o'clock in the evening and four o'clock in the morning: *provided*, that the selectmen of said town of Rockport shall be authorized by majority vote of the voters of said town present and voting thereon at a town meeting called for the purpose, to grant permission to said company to carry on such business of a common carrier.

Proviso.

To be void unless road is operated prior to July 1, 1895.

SECTION 8. If said company shall fail to locate, construct and put in operation a street railway in accordance with the foregoing provisions prior to the first day of July

in the year eighteen hundred and ninety-five, all the powers and authority herein given shall cease, and thereafter this act shall have no further operation or effect.

SECTION 9. No stock or bonds shall be issued under this act until the terms of such issue shall have been submitted to the board of railroad commissioners and approved by them. And if they approve such issue a certificate setting forth such approval shall be executed by said board and filed by said company in the office of the secretary of the Commonwealth.

Railroad commissioners to approve issue of stock and bonds, etc.

SECTION 10. All rights granted under this act shall be null and void in case said road shall be sold or leased to any foreign corporation.

To be void if conveyed to a foreign corporation.

SECTION 11. This act shall take effect upon its passage.

Approved May 15, 1893.

AN ACT TO PROTECT THE NAME AND CREDIT OF CERTAIN EDUCATIONAL INSTITUTIONS.

Chap. 355

Be it enacted, etc., as follows:

SECTION 1. Whoever in any book, circular, advertisement or advertising sign, or by a pretended written certificate or diploma, or otherwise in writing, knowingly and falsely pretends to have been an officer or teacher, or to be a graduate or to hold any degree of any college or other educational institution of this Commonwealth or elsewhere, authorized to grant degrees, or of any public school of this Commonwealth, and whoever without the authority of a special act of the legislature granting the power to give degrees, offers or grants degrees as a school, college or as a private individual, alone or associated with others, shall be punished by imprisonment in the house of correction for not more than one year or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Penalty for falsely pretending to hold a degree, for unlawfully granting degrees, etc.

SECTION 2. Whoever in any book, pamphlet, circular, advertisement, by an advertising sign, or otherwise in writing, makes any false and fraudulent statement or assertion of endorsement, authority, approval or sanction of any incorporated college, university or professional school, whether in this Commonwealth or not, or of officers or instructors thereof, by way of commendation or advertisement of any person or his services, or of any goods, wares, commodities, processes or treatment, shall

Penalty for making false assertion of approval, etc.

be punished by imprisonment in the house of correction for not more than one year or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Approved May 15, 1893.

Chap.356 AN ACT IN RELATION TO THE SUBURBAN RAILROAD COMPANY.

Be it enacted, etc., as follows :

Time for location and construction of road extended.

SECTION 1. The time for the location of the Suburban Railroad Company is hereby extended for one year from the passage of this act, and the time for the construction of said railroad is extended for two years from the passage of this act.

SECTION 2. This act shall take effect upon its passage.

Approved May 15, 1893.

Chap.357 AN ACT RELATING TO THE PASSAGE OF VESSELS THROUGH A CERTAIN DRAWBRIDGE OVER FORT POINT CHANNEL.

Be it enacted, etc., as follows :

Passage of vessels through a certain drawbridge over Fort Point channel.

SECTION 1. The provisions of chapter two hundred and twenty-one of the acts of the year eighteen hundred and seventy-two, in so far as they refer to and affect the drawbridge over Fort Point channel in the city of Boston, and the New York and New England Railroad Company, owning and controlling the same, are hereby repealed ; and said drawbridge and the railroad company owning and controlling the same shall be subject to and governed by the provisions of sections one hundred and forty-eight, one hundred and forty-nine and one hundred and fifty of chapter one hundred and twelve of the Public Statutes.

SECTION 2. This act shall take effect upon its passage.

Approved May 15, 1893.

Chap.358 AN ACT TO ESTABLISH THE SALARY OF THE FIRST CLERK IN THE OFFICE OF THE SERGEANT-AT-ARMS.

Be it enacted, etc., as follows :

Salary established.

SECTION 1. The salary of the first clerk in the office of the sergeant-at-arms shall be twenty-two hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-three.

SECTION 2. This act shall take effect upon its passage.

Approved May 15, 1893.

AN ACT RELATING TO THE LIABILITY OF EMPLOYERS TO MAKE
COMPENSATION FOR PERSONAL INJURIES SUFFERED BY EM-
PLOYEES IN THEIR SERVICE.

Chap. 359

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and seventy of the acts of the year eighteen hundred and eighty-seven as amended by chapter two hundred and sixty of the acts of the year eighteen hundred and ninety-two, is hereby amended by adding at the end thereof the following words: — A car in use by or in the possession of a railroad company shall be considered a part of the ways, works or machinery of the company using or having the same in possession, within the meaning of this act, whether such car is owned by it or by some other company or person, — so as to read as follows: — *Section 1.* Where, after the passage of this act, personal injury is caused to an employee, who is himself in the exercise of due care and diligence at the time: — (1) By reason of any defect in the condition of the ways, works or machinery connected with or used in the business of the employer, which arose from or had not been discovered or remedied owing to the negligence of the employer or of any person in the service of the employer and entrusted by him with the duty of seeing that the ways, works or machinery were in proper condition; or (2) By reason of the negligence of any person in the service of the employer, entrusted with and exercising superintendence, whose sole or principal duty is that of superintendence. (3) By reason of the negligence of any person in the service of the employer who has the charge or control of any signal, switch, locomotive engine or train upon a railroad, the employee, or in case the injury results in death the legal representatives of such employee, shall have the same right of compensation and remedies against the employer as if the employee had not been an employee of nor in the service of the employer, nor engaged in its work. And in case such death is not instantaneous, or is preceded by conscious suffering, said legal representatives may in the action brought under this section, except as hereinafter provided, also recover damages for such death. The total damages awarded hereunder, both for said death and said injury, shall not exceed five thousand dollars, and shall be apportioned by the jury between the legal

1887, 270, §1;
1892, 260,
amended.

Liability of
employers to
make compen-
sation for per-
sonal injuries
suffered by
employees, etc.

Damages.

A car, etc., to be considered a part of way, works, etc.

representatives and the persons, if any, entitled under the succeeding section of this act, to bring an action for instantaneous death. If there are no such persons then no damages for such death shall be recovered, and the damages, so far as the same are awarded for said death, shall be assessed with reference to the degree of culpability of the employer herein, or the person for whose negligence he is made liable. A car in use by or in the possession of a railroad company shall be considered a part of the ways, works or machinery of the company using or having the same in possession, within the meaning of this act, whether such car is owned by it or by some other company or person.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1893.

Chap. 360

AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO TAKE LANDS WITHIN ITS LIMITS FOR A PUMPING STATION FOR THE OPERATION OF ITS SYSTEM OF SEWERAGE.

Be it enacted, etc., as follows:

May take certain land, etc.

SECTION 1. The city of Brockton, by its board of aldermen, is hereby authorized to take, by purchase or otherwise, in fee, within the limits of said city, such lands as they shall deem necessary for the erection and use of a pumping station of its system of sewerage, together with the buildings or other property that may be standing thereon.

A description of land taken, etc., to be recorded in registry of deeds.

SECTION 2. All orders for such takings shall be approved by the mayor, who, within thirty days from his approval of any such order, shall file and cause to be recorded in the registry of deeds for the county of Plymouth a description of the land so taken, sufficiently accurate for identification, with his statement of the purpose for which such lands were taken under this act.

Damages, assessment, determination and payment.

SECTION 3. The city of Brockton shall pay all damages sustained by any person by the taking of lands or other property hereunder. Any person sustaining damages as aforesaid, who fails to agree with the city as to the amount of damage sustained, may have his damages assessed and determined in the manner provided by law where land is taken for the laying out of highways, on application at any time within the period of one year from the taking of such land or property.

SECTION 4. In every case of a petition for the assessment of damages or for a jury hereunder, the said city may offer in court and consent in writing that a sum therein specified may be awarded as damages to the complainant; and if the complainant shall not accept the same within ten days after he has received notice of such offer, and shall not finally recover a greater sum than the one offered, not including interest on the sum recovered in damages from the date of the offer, the said city shall be entitled to recover its costs, after said date, and the complainant, if he recover damages, shall be allowed costs only to the date of the offer.

City may offer a certain specified sum, etc.

SECTION 5. This act shall take effect upon its passage.

Approved May 16, 1893.

AN ACT TO REVISE THE CHARTER OF THE CITY OF WALTHAM.

Chap. 361

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the city of Waltham, for all purposes for which towns and cities are by law incorporated in this Commonwealth, shall continue to be a body politic and corporate under the name of the City of Waltham, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations provided for herein or otherwise appertaining to said city as a municipal corporation.

City of Waltham.

SECTION 2. The government of the city and the general management and control of all the fiscal, prudential and municipal affairs thereof shall be vested in a single officer, to be called the mayor, and in a single body, to be called the board of aldermen, except however that the general management and control of the public schools of the city, and of the buildings and property pertaining to such schools, shall be vested in a school committee.

Government and general management of affairs.

SECTION 3. The territory of said city shall continue to be divided as heretofore into seven wards, so that the wards shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters.

Seven wards.

SECTION 4. All meetings of the qualified voters of the city for the purpose of voting at elections and for other municipal or legal purposes shall be called by warrants issued by order of the board of aldermen, which shall be in such form and be served and returned in such manner

Warrants for elections, etc.

and at such time as the board of aldermen may by ordinance direct.

Municipal election; municipal year.

SECTION 5. The municipal election shall take place on the first Tuesday in December annually, and the municipal year shall begin at three o'clock in the afternoon on the first Monday of January, and continue until three o'clock in the afternoon on the first Monday of the following January.

Officers to be elected by a plurality vote, etc.

SECTION 6. At the municipal election the qualified voters shall in the several wards give in their votes by ballot for mayor and for members of the board of aldermen and of the school committee, or for such of them as are to be elected, and the person receiving the highest number of votes for any office shall be deemed and declared to be elected to such office; and whenever two or more persons are to be elected to the same office, the several persons, up to the number required to be chosen, receiving the highest number of votes shall be deemed and declared to be elected.

Vacancies in offices of mayor and aldermen.

SECTION 7. If it shall appear that there is no choice of mayor, or if the person elected to that office shall refuse to accept the office, or shall die before qualifying, or if a vacancy in the office shall occur more than four months previous to the expiration of the term of service of a mayor, the board of aldermen shall forthwith cause warrants to be issued for a new election, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of mayor; and such proceedings shall be repeated until the election of a mayor is completed. If the full number of members of the board of aldermen then required to be chosen shall not be elected at the annual municipal election, or if a vacancy in the office of a member thereof shall occur more than four months previous to the expiration of his term of office, the board of aldermen shall forthwith cause a new election to be held as aforesaid to fill the vacancy. In case a vacancy in the office of mayor or of a member of the board of aldermen shall occur within the four months previous to the expiration of his term of office, the board of aldermen may, in its discretion, order a new election to be held as aforesaid to fill the vacancy.

Locations of ward rooms.

SECTION 8. When no convenient wardroom for holding the meetings of the qualified voters of a ward can be had within the territorial limits of such ward, the board

of aldermen may, in the warrant for calling a meeting of the qualified voters of such ward, appoint and direct that the meeting be held in some convenient place within the limits of any other ward of the city, and for such purpose the place so assigned shall be deemed and taken to be a part of the ward for which the election is held.

SECTION 9. General meetings of the qualified voters of the city may from time to time be held according to the right secured to the people by the constitution of the Commonwealth, and such meetings may be called at any time by the mayor.

General meet-
ings of the
voters.

SECTION 10. The board of aldermen shall be composed of twenty-one members. At each annual municipal election of said city one alderman shall be elected from the qualified voters of each ward by the qualified voters of the city at large, voting in their respective wards or precincts; and two aldermen from each ward shall be elected by and from the qualified voters of each ward. Each alderman shall at the time of his election be a resident of the ward from which he is elected, and shall hold his office for the municipal year next following his election.

Aldermen,
number, elec-
tion, residence
and term of
office.

SECTION 11. The mayor elect and the members of the board of aldermen shall, on the first Monday in January succeeding their election, at three o'clock in the afternoon, assemble together and be sworn to the faithful discharge of their duties. The oath may be administered to the mayor by the city clerk, or by a judge of a court of record, or by a justice of the peace, and the oath may be administered to the members of the board of aldermen by the mayor, or by the city clerk, or by a justice of the peace. In case of the absence of the mayor elect on the first Monday in January, or if a mayor shall be subsequently elected, the oath of office may at any time thereafter be administered to him in the presence of the board of aldermen; and at any time after the first Monday in January the oath of office may be administered in the presence of the board of aldermen to a member thereof who was absent on the first Monday in January or who shall be subsequently elected. A certificate that the oath of office has been administered as aforesaid shall be entered in the journal of the board of aldermen.

Oaths of office
of mayor and
aldermen.

SECTION 12. Directly after the oaths of office have been administered the board of aldermen shall meet and

Board of alder-
men, organi-
zation.

organize by the election by ballot of a president. The eldest senior member present shall preside, and no other business shall be in order until a president has been chosen. The board of aldermen shall likewise elect by ballot a city clerk, who shall hold office for the municipal year and until his successor is elected and qualified. The city clerk shall be sworn to the faithful discharge of his duties in the presence of the board of aldermen, by the president, or by a justice of the peace. The city clerk shall also be the clerk of the board of aldermen, shall attend its sessions and shall keep a record of its proceedings, and shall perform such further service as the board of aldermen may require. The president of the board of aldermen and the city clerk may each be removed from office by the affirmative votes of two thirds of all the members of the board of aldermen. In case of the temporary absence or disability of the city clerk, the board of aldermen may elect a city clerk pro tempore, who shall be duly sworn. In case of a vacancy in the office the same shall be filled by election of the board of aldermen. The board of aldermen may likewise by ordinance provide for the election of a city messenger.

SECTION 13. The board of aldermen shall elect by ballot, on or before the first Monday in February of the municipal year, a city treasurer, who shall be collector of taxes, and a city auditor, whose terms of office shall begin on the first Monday in March and shall continue for one year. In case of a vacancy in the office of city treasurer or city auditor the same shall be filled by election of the board of aldermen. The city treasurer and city auditor may each be removed from office by the affirmative votes of two thirds of all the members of the board of aldermen.

SECTION 14. The board of aldermen shall be the judge of the election and qualifications of its own members, shall determine the rules for its own proceedings, and may elect such assistant clerks and other officers as may be necessary for the proper conduct of its own business.

SECTION 15. The mayor may at any time call a special meeting of the board of aldermen by causing a written notice of such meeting to be left at the usual place of residence of each member.

SECTION 16. A majority of the whole number of members of the board of aldermen provided to be elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

Election of city clerk, etc.

Removal from office, etc.

City messenger.

Treasurer, auditor, election, terms of office, etc.

Board of aldermen, to be judge of election of its members, etc.

Special meetings.

Quorum.

SECTION 17. The board of aldermen shall establish the salary of the mayor, and may change such salary from time to time, but his salary shall not be increased or diminished during the year for which he is elected.

Salary of mayor.

SECTION 18. The board of aldermen may provide for the payment of salaries to its members, but no ordinance or order establishing a salary or increasing a salary already established, shall take effect until the municipal year succeeding that in which the ordinance or order is passed.

Salaries of aldermen.

SECTION 19. All votes of the board of aldermen making appropriations or loans of money shall be in itemized form, and when brought before the board of aldermen, on recommendation of the mayor, no item of the appropriation or loan in excess of the amount recommended by the mayor shall be passed, except by the affirmative votes of two thirds of the members present and voting thereon.

Votes of aldermen on appropriations or loans of money.

SECTION 20. The board of aldermen may hold private sittings for the consideration of candidates for election and for acting on removals, but all other sittings shall be public, and all votes on elections shall be taken in public.

Meetings of aldermen.

SECTION 21. No member of the board of aldermen shall, during the term for which he is elected, hold any other office or position the salary or compensation for which is payable from the city treasury, nor shall he act as counsel or attorney before the board of aldermen or before any committee thereof.

Aldermen not to hold other offices, etc.

SECTION 22. Neither the board of aldermen nor any committee or member thereof shall directly or indirectly take part in the employment of labor, the expenditure of public money, the making of contracts, the purchase of materials or supplies, the construction, alteration or repair of any public works or other property, or in the care, custody or management of the same, or in general in the conduct of the executive or administrative business of the city, except as herein required in providing for the appointment and removal of subordinate officers and assistants, and as may be necessary for defraying the contingent and incidental expenses of the board of aldermen.

Employment of labor, making of contracts, etc.

SECTION 23. The board of aldermen shall have power within said city to make and establish ordinances and to affix thereto penalties for the violation thereof, as herein or by general law provided, without the sanction of any court or of any justice thereof. All ordinances so made and established shall be forthwith published in one or

City ordinances, penalties, etc.

more newspapers designated by the mayor, and they shall, unless they contain an express provision for a later date, take effect at the time of their approval by the mayor, or, if a penalty for their violation is provided, at the expiration of thirty days from the day of such approval.

Streets, highways, etc.

SECTION 24. The board of aldermen shall, subject always to the approval of the mayor, have exclusive authority and power to order the laying out, locating anew and discontinuing of and making of specific repairs in all streets and ways and all highways within the limits of the city; to assess the damage sustained thereby by any person, and, except as herein otherwise provided, to act in matters relating to such laying out, locating anew, altering, discontinuing or repairing. Any person aggrieved by the action of the board of aldermen hereunder shall have all the rights and privileges now by law in similar cases allowed in appeals from decisions of selectmen, but there shall be no appeal from a decision not to lay out a way.

General powers and duties of board of aldermen.

SECTION 25. Except as herein otherwise provided, the board of aldermen shall in general have and exercise the legislative powers of towns and of the inhabitants thereof, and all the powers, other than executive, given to selectmen of towns, and shall have all the power and authority given to city councils and boards of aldermen of cities under the general laws of the Commonwealth, and shall be subject to the duties imposed upon them.

Term of office of mayor.

SECTION 26. The mayor shall be elected from the qualified voters of the city, and shall hold office for the municipal year next succeeding his election and until his successor is elected and qualified, except that when elected to fill a vacancy he shall hold office only for the unexpired term and until his successor is elected and qualified.

Mayor to be chief executive, etc.

SECTION 27. The mayor shall be the chief executive officer of the city, and the executive powers of the city shall be vested in him and be exercised by him, either personally or through the several officers and boards in their respective departments, under his general supervision and control.

Powers and duties of mayor.

SECTION 28. The mayor shall communicate to the board of aldermen such information and shall recommend such measures as, in his judgment, the interests of the

city require ; shall cause the laws, ordinances and orders for the government of the city to be enforced ; and shall secure an honest, efficient and economical conduct of the executive and administrative business of the city and the harmonious and concerted action of the different administrative and executive departments.

SECTION 29. In case of a vacancy in the office of mayor, or in case of his death, resignation or absence from the Commonwealth, or of his inability from other cause to perform the duties of his office, it shall be the duty of the board of aldermen to declare by vote that a vacancy exists, and the cause thereof ; and thereupon the president of the board of aldermen shall, under the style of acting mayor, exercise the powers and perform the duties of mayor until the absence or disability ceases or the vacancy is filled by a new election, except that he shall not, unless authorized thereto in a special instance by the board of aldermen, make any permanent appointment or removal from office ; nor shall he, unless such absence or disability has continued at least ten days, or unless the office of mayor has become vacant, have power to approve or disapprove any ordinance, order, resolution or vote of the board of aldermen.

Vacancy in
office of mayor.

SECTION 30. [Form 1.] The mayor shall appoint all the officers of the city, unless their election or appointment is herein otherwise provided for, and such power of appointment shall be absolute and not subject to confirmation. Any officer so appointed may be removed by the mayor for such cause as he shall deem sufficient and shall assign in his order of removal, and the removal shall take effect upon the filing of the order therefor in the office of the city clerk and the service of a copy of such order upon the officer removed, either personally or at his last or usual place of residence. The city clerk shall keep such order on file and subject to public inspection.

Appointments
and removals by
mayor.

[Form 2.] The mayor shall appoint, subject to the confirmation or rejection of the board of aldermen, all the officers of the city, unless their election or appointment is herein otherwise provided for. He may suspend any officer for a period not exceeding ten days, and may remove for sufficient cause and with the consent of the board of aldermen any officer so appointed, but such consent shall not be necessary in case of the removal of police officers.

Appointments
and removals
by mayor and
aldermen.

Mayor's records, clerks, etc.

SECTION 31. The mayor shall cause to be kept a record of all his official acts, and for that purpose and to aid him in his official duties he may appoint one or more clerks, whose number and compensation shall be fixed by the board of aldermen.

Mayor and heads of departments to consult together, etc.

SECTION 32. The mayor shall, as often as once in each month, call together for consultation upon affairs of the city the heads of departments, who shall, whenever called upon, furnish such information relative to their respective departments as he may request.

Estimates.

SECTION 33. The mayor shall, in the month of January of each year, cause to be made to him by the heads of departments, and by all other officers and boards having authority to expend money, detailed estimates of the amounts deemed by them to be necessary for their respective departments for the financial year, which shall begin on the first day of the following February, and he shall, not later than the first week in February, transmit such estimates to the board of aldermen, recommending appropriations for each department or purpose as he shall deem necessary therefor.

Expenditures, liabilities, appropriations, etc.

SECTION 34. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made and no liability incurred by or in behalf of the city until the board of aldermen has duly voted an appropriation sufficient to meet such expenditure or liability, together with all prior liabilities which are payable therefrom, except that after the expiration of the financial year, and before the making of the regular annual appropriations, liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one sixth of the total appropriation made for similar purposes in the preceding year.

Annual statements.

SECTION 35. The mayor shall annually require all boards and officers intrusted with the receipt and expenditure of public money and with the care and custody of public property, to make particular and detailed statements thereof, and shall cause such statements to be published for the information of the citizens.

Administrative officers, etc.

SECTION 36. There shall be the following administrative officers, who shall perform the duties by law prescribed for them respectively, and such further duties, not inconsistent with the nature of their respective offices and with general laws, as the board of aldermen may

prescribe : — 1. A city treasurer, who shall be collector of taxes. 2. A city auditor. 3. A city solicitor. 4. A city engineer. 5. A board of assessors, consisting of three persons. 6. A board of overseers of the poor, consisting of three persons. 7. A board of health, consisting of five persons, one of whom shall be a physician. 8. A superintendent of streets, who shall have the powers of a surveyor of highways and all the powers of road commissioners not herein otherwise conferred. 9. A superintendent of sewers. 10. A superintendent of water works. 11. A superintendent of public buildings. But the board of aldermen may establish a board of public works instead of said superintendents, and may confer upon such board all the powers given by this act to said superintendents.

SECTION 37. The board of aldermen may from time to time, subject to the provisions of this act and in accordance with general laws, if they exist in any particular case, provide by ordinance for the establishment of additional boards and other offices, for the construction and care of the various public works and buildings, for the direction and custody of public parks, for the management and control of a public library and a public hospital, and for other municipal purposes; and may determine the number and the duties of the incumbents of such boards and offices.

Additional
officers, etc.

SECTION 38. The board of aldermen may likewise from time to time consolidate boards and offices, and may separate and divide the powers and duties of such as have already been established, may increase or diminish the number of persons constituting either of the boards above-specified, may increase or diminish the number of persons who shall perform the duties of an office or board hereafter established as above provided, may abolish an office or board so hereafter established, and may delegate to any board or officer the administrative powers given by general laws to city councils and boards of aldermen.

Changes in
offices.

SECTION 39. It shall be the duty of the mayor to appoint all the officers above-specified in this act except the city treasurer, city collector and city auditor, and, unless herein otherwise provided, all those for whom provision shall hereafter be made as above, on or before the first Monday in February in the municipal year, and their terms of office shall begin on the first Monday in March

Appointments
and terms of
office.

and shall continue for one year, or for such other period as the board of aldermen shall by ordinance in any case provide. Every administrative officer shall, unless sooner removed, hold office until his successor is appointed and qualified.

Oaths of office,
records, etc.

SECTION 40. All administrative officers shall be sworn to the faithful discharge of their respective duties, and certificates of their oaths shall be made and kept in the office of the mayor; and all such boards and other officers shall keep a record of their official transactions.

Officers to
give bonds.

SECTION 41. The board of aldermen may require the city treasurer, the city collector, the city auditor, and such other officers, whose appointment is provided for in the preceding sections, as are intrusted with the receipt, care or disbursement of money, to give bonds, with such security as it shall deem proper, for the faithful discharge of their respective duties.

Subordinate
officers, ap-
pointments,
records, etc.

SECTION 42. The administrative boards and officers above-specified in this act and every administrative board and officer hereafter established by the board of aldermen under the provisions of this act, and having the charge of a department, shall have the power, except as herein otherwise provided, to appoint and employ and to discharge and remove all subordinate officers, clerks and assistants in their respective departments; and they shall keep a record, subject to inspection, of all so appointed and employed, and of all discharged and removed, and, in case of discharge and removal, of the grounds thereof.

Powers and
duties of boards
and officers, etc.

SECTION 43. The several administrative boards and officers having charge of departments shall, within their respective departments, employ all labor, make and execute all necessary contracts, purchase all materials and supplies, have the entire care, custody and management of all public works, institutions, buildings and other property, and shall in general have the immediate direction and control of all executive and administrative business; and they shall at all times be accountable for the proper discharge of their duties to the mayor as the chief executive officer of the city. All contracts made in behalf of the city in which the amount involved exceeds three hundred dollars shall, in order to be valid, require the signature of the mayor, and, except as herein otherwise provided or by law required, no expenditure shall be made or liability incurred for any purpose beyond the appropriations previously made therefor.

SECTION 44. The board of aldermen may establish a police department, and provide for the appointment of a chief of police and of other members of the police force by the mayor.

Police department.

SECTION 45. The board of aldermen may establish a fire department, and provide for the appointment of a chief engineer and of other members of the department by the mayor or by a fire board, or for the appointment of other members of the department by a chief engineer to be appointed by the mayor.

Fire department.

SECTION 46. Every administrative board, through its chairman, and every officer having charge of a department, shall, at the request of the board of aldermen, appear before it and give such information as it may require in relation to any matter, act or thing connected with the discharge of the duties of such board or office; and when so requested to appear the officer who appears shall have the right to speak upon all matters under consideration relating to his department.

Administrative boards to give information to aldermen, etc.

SECTION 47. The board of aldermen shall establish the salary or compensation of every administrative officer, but no reduction of any such salary or compensation shall take effect until the municipal year succeeding that in which the reduction is ordered, unless such reduction is recommended by the mayor.

Salaries of administrative officers.

SECTION 48. The management and control of the schools of the city shall be vested in a school committee, consisting of the mayor, ex officio, and nine other persons, inhabitants of said city. Three members of the school committee shall be elected at large at each annual municipal election by the qualified voters of the entire city, to serve for the term of three years, beginning with the first Tuesday after the first Monday in January next ensuing, in place of the members whose terms then expire.

School committee.

SECTION 49. In case of a vacancy in the office of a member of the school committee the mayor shall call a joint convention of the board of aldermen and of the school committee, at which the mayor shall preside, and such vacancy shall, by a vote of a majority of all the members of the two bodies, be filled by the election of a member, to serve until the end of the municipal year in which the warrant for the next annual municipal election shall be issued; and at such election the further vacancy, if any, shall be filled for the remainder of the unexpired term, in

Vacancies.

the same manner as the member whose office is vacant was elected.

Organization,
quorum, etc.

SECTION 50. The school committee shall meet on the first Tuesday after the first Monday in January in each year. The mayor shall be chairman of said committee. The committee shall elect a clerk by ballot. The committee shall be the judge of the election and qualification of its members, except the mayor, and shall determine the rules for its proceedings. A majority of the whole number provided to be elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

Superintendent
of schools,
officers, etc.

SECTION 51. The school committee shall elect a superintendent of schools, and may appoint such other subordinate officers and assistants as it may deem necessary for the proper discharge of its duties and the conduct of its business; shall define their terms of service and their duties and fix their compensation, and may remove them and discharge them at pleasure.

School lands,
buildings, etc.

SECTION 52. The school committee, in addition to the exercise of the powers and the discharge of the duties imposed by law upon school committees, shall, subject to the assent of the mayor, have full power and authority to select and purchase lands for school purposes, to determine the plans for all school buildings to be erected and for all additions and alterations to school buildings, and to provide, when necessary, temporary accommodations for school purposes.

Estimates.

SECTION 53. The school committee shall, in the month of January in each year, make an estimate in detail of the amount deemed by it necessary to expend for its purposes during the succeeding financial year, and the mayor shall transmit the same, with the estimates of the departments, to the board of aldermen, and shall recommend such appropriations as he shall deem necessary.

Expenditures,
liabilities,
appropriations,
etc.

SECTION 54. Unless thereto required by law, the school committee shall cause no liability to be incurred and no expenditure to be made for any purpose beyond the specific appropriation which may be made therefor by the board of aldermen, except that after the expiration of the financial year, and before the making of the annual appropriations, liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one sixth of the total of the appropriation made for similar purposes in the preceding year.

SECTION 55. The board of aldermen may determine that salaries shall be paid to members of the school committee, may fix the amount thereof, and may change the same from time to time. Salaries.

SECTION 56. The school committee shall annually appoint one of their number to attend the meetings of the board of aldermen, and the member appointed for that purpose shall be entitled to a seat with said board and shall have a right to discuss all matters relating to the school department, but without the right to vote. One member to sit with board of aldermen, etc.

SECTION 57. The general laws relating to the municipal indebtedness of cities, the general laws requiring the approval of the mayor to the doings of a city council or of either branch thereof, and relative to the exercise of the veto power by the mayor of a city, and the provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, being an act to improve the civil service of the Commonwealth and the cities thereof, and all acts in amendment thereto, shall have full force, application and effect in said city. Municipal indebtedness, veto power of mayor, civil service, etc.

SECTION 58. The person holding the office of mayor and the person holding the office of city clerk in said city, at the time when this act takes effect, shall continue to hold their respective offices until their respective successors shall be elected and qualified. The person holding the office of city treasurer and collector of taxes and the person holding the office of city auditor in said city, at the time when this act takes effect, shall continue to hold their respective offices until the first Monday of March next succeeding, and until their respective successors are elected and qualified. The persons holding the office of member of the school committee, at the time when this act takes effect, shall continue to hold their said office for the term for which they have been respectively elected. The persons who are members of the police force of said city, at the time when this act takes effect, shall continue to hold their respective offices according to the tenure thereof. The persons holding any office in said city, excepting the offices above-specified and the office of city messenger, when this act takes effect, shall continue to hold their respective offices until the first Monday of March next succeeding, and no longer. Persons in office to continue, etc.

SECTION 59. On and after the first Monday of March next ensuing after this act takes effect, there shall be no Superintendent of water works.

board of water commissioners of said city, but instead thereof there shall be an administrative officer to be called the superintendent of water works, who shall be appointed and hold office as herein provided, and who, subject to the provisions of this act, shall have all the powers vested in, and perform all the duties required of, the board of water commissioners by the provisions of chapter three hundred and thirty-seven of the acts of the year eighteen hundred and seventy-two, entitled, an act to supply the town of Waltham with water. The board of aldermen of said city shall have and exercise all the powers vested in the inhabitants of said town by the provisions of said chapter.

Superintendent
of sewers.

SECTION 60. On and after the first Monday of March next ensuing after this act takes effect, there shall be no board of commissioners of sewers of said city, as provided in section one of chapter two hundred and five of the acts of the year eighteen hundred and ninety, entitled, an act to establish a board of commissioners of sewers for the city of Waltham, but instead thereof there shall be an administrative officer, to be called a superintendent of sewers, who shall be appointed and hold office as herein provided, and who, subject to the provisions of this act, shall have all the powers vested in, and shall perform all the duties required of, the board of commissioners of sewers by sections two, five, seven and eight of said chapter; and the board of aldermen shall have and exercise all the powers vested in said board of commissioners by sections three and four of said chapter.

Continuation of
certain provi-
sions of law.

SECTION 61. The provisions of this act so far as they are the same as those of chapter three hundred and nine of the acts of the year eighteen hundred and eighty-four shall be construed as a continuation of the provisions of said chapter, and the provisions of said chapter not contained herein, and all acts and parts of acts inconsistent with this act, are hereby repealed: *provided*, that said repeal shall not affect any right accruing or accrued, or any penalty or forfeiture incurred, or any suit or proceeding pending, at the time said repeal takes effect, and that all ordinances of said city then in force and not inconsistent with this act shall continue in force until repealed.

Repeal.

Acceptance.

SECTION 62. This act shall be submitted to the qualified voters of the city of Waltham, for its acceptance, at the annual state election in the year eighteen hundred and

ninety-three. The vote shall be taken by ballot in answer to the following questions: — 1. “ Shall an act passed by the general court in the year eighteen hundred and ninety-three, entitled ‘ an act to revise the charter of the city of Waltham,’ be accepted?” 2. “ Shall appointments and removals by the mayor be made without the concurrence of the board of aldermen?”; which questions shall be printed upon the ballots after the list of candidates. If the larger number of votes upon both of said questions shall be in the affirmative, then this act, except such portion of section thirty as is contained in form two, shall take effect. If the larger number of votes upon the first of said questions shall be in the affirmative and the larger number of votes upon the second of said questions shall be in the negative, then this act, except such portion of section thirty as is contained in form one, shall take effect. If this act shall be accepted in the manner aforesaid it shall take effect for the election of municipal officers at the annual municipal election on the first Tuesday of December next after its acceptance, and for all other purposes at the beginning of the municipal year in January next following. If this act shall fail to be thus accepted it shall be again thus submitted for acceptance at the annual state election in the year eighteen hundred and ninety-four, and if then so accepted it shall take effect as aforesaid.

Vote upon certain questions, etc.

SECTION 63. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of said city shall take effect upon its passage, but it shall not take further effect unless accepted by the legal voters of said city as herein provided.

To take full effect upon acceptance.

Approved May 17, 1893.

AN ACT TO AUTHORIZE THE TOWN OF SOMERSET TO FUND ITS DEBT AND ISSUE BONDS THEREFOR.

Chap. 362

Be it enacted, etc., as follows:

SECTION 1. The town of Somerset, for the purpose of refunding its existing indebtedness, may issue bonds, notes or scrip therefor to an amount not exceeding fifteen thousand dollars, payable at the expiration of periods not exceeding fifteen years from the date thereof. Said bonds, notes or scrip shall bear interest payable semi-annually at not more than six per centum per annum, and may be

May issue bonds, etc., for the purpose of refunding debt.

sold or negotiated at public or private sale, upon such terms and conditions as said town may deem proper.

P. S. 29 and amendments to apply.

SECTION 2. The provisions of chapter twenty-nine of the Public Statutes and the acts amendatory thereof shall in all other respects apply to the issue of said bonds, notes or scrip.

SECTION 3. This act shall take effect upon its passage.

Approved May 17, 1893.

Chap. 363 AN ACT TO CONFIRM THE PROCEEDINGS OF THE CITY OF CAMBRIDGE IN TAKING CERTAIN LAND IN SAID CITY BY EMINENT DOMAIN.

Be it enacted, etc., as follows:

Proceedings in taking of certain land confirmed.

The action of the city of Cambridge on the first day of November in the year eighteen hundred and ninety-two, by an order approved by the mayor on the second day of November in the same year, in taking certain lands and buildings by eminent domain near the shores of Fresh pond in said city, under and by virtue of the power conferred by chapter one hundred and thirty-seven of the acts of the year eighteen hundred and eighty-eight is hereby ratified and confirmed. *Approved May 17, 1893.*

Chap. 364 AN ACT TO PROVIDE AN ADDITIONAL WATER SUPPLY FOR THE CITY OF SALEM.

Be it enacted, etc., as follows:

Additional water supply for the city of Salem and town of Beverly.

SECTION 1. The city of Salem, for the purpose of providing a further supply of water for the use of said city and its inhabitants, and for the town of Beverly and its inhabitants, as authorized by chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-four and acts in amendment thereof and supplementary thereto, and by chapter two hundred and ninety-four of the acts of the year eighteen hundred and eighty-five, may from time to time take and hold, by purchase or otherwise, in addition to the waters it has been heretofore authorized to take, and may convey to any and all parts of said city through its pipes already existing or authorized by law, and may convey into Wenham lake, the waters of Norwood and Beaver ponds in the town of Beverly, the waters of Miles river in the towns of Beverly and Wenham, and the waters of any and all streams, springs and water sources within the watershed of said

Norwood and Beaver ponds and of said Miles river and their tributaries and confluents, and all water rights connected therewith; and may take, hold and convey as aforesaid the waters of Longham meadow, so-called, in the towns of Beverly and Wenham, and all rights of flowage appurtenant to the same, and the waters of any and all streams, springs and water sources within the watershed of said meadow, or which can be collected by constructing a dam or dams at or below such meadow, and all water rights connected with the same; and may take and hold as aforesaid any and all lands, property, rights of way and easements that may be necessary for holding, storing, conveying, distributing and preserving the purity of any and all said waters as aforesaid, and for effectually carrying out the objects of this act; and may erect on any lands so taken proper dams, reservoirs, storage basins, fixtures, structures, machinery and apparatus; may make such excavations and embankments and provide such other means as may be necessary or advisable for such purposes; and may construct and lay down such conduits, canals, pipes or other works, under, through or over any lands, water courses, railroads and private ways in said Beverly and Wenham as it may deem necessary or advisable for taking said waters and adding the same to the present water supply of said city and town of Beverly, that the same may be conveyed into said city through the pipes now in use by it to convey water therein; and for all proper purposes of this act may dig up any such lands and any such public way in such manner as to cause the least hindrance to public travel: *provided*, that no such taking shall be valid unless made with the consent of the water board of said town of Beverly, previously obtained in writing, signed by said water board, or unless previously authorized as provided in section two of this act.

Additional water supply for the city of Salem and town of Beverly.

Written consent of Beverly water board to be obtained.

SECTION 2. In case the water board of said town of Beverly shall fail to give its consent to the taking of any lands, rights of way, water rights, water sources or easements as aforesaid which said city of Salem may desire to take, and for the taking of which said city shall have requested such consent, for one month after such request, then, upon application of said city and notice to said water board, and town of Beverly, the matter in controversy shall be determined by three commissioners to be

Proceedings in case Beverly water board fails to consent.

appointed by the superior court in the county of Essex, whose award when accepted by said court shall be binding upon all parties. And in case that said award shall be that said water board give such consent, then such taking shall be valid in like manner as if such consent had been given.

A description of lands, etc., taken to be recorded in registry of deeds, etc.

SECTION 3. The city shall within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the southern district of the registry of deeds for Essex county, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water board of said city, and the written consent of the water board of said town of Beverly, signed as provided in section one of this act, or instead thereof a duly certified copy of an award as provided in section two of this act.

Lands in Wenham and Beverly may be examined, surveyed, etc.

SECTION 4. Said city, its officers and agents, may, so far as they deem it necessary in carrying out the work authorized by section one of this act, or for the purpose of ascertaining what additional supply of water, whether authorized by law or not, is possible for said city, and of determining in what manner said additional supply can best be obtained, enter into and upon any lands within the towns of Wenham or Beverly, and there make such examinations and surveys, and place and maintain such monuments and marks as and where they may deem necessary.

Damages.

SECTION 5. Said city shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said city under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said city as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said three years: *provided*, that no application for the assessment of damages

shall be made for the taking of any water, water right, or for any injury thereto, and that said period of three years shall not begin to run until the water is actually withdrawn or diverted by said city under the authority of this act.

SECTION 6. In every case of an application for the assessment of damages, or for any injury, the said city may offer in court and consent in writing that a sum therein specified may be awarded as damages to the complainant; and if the complainant shall not accept the same within ten days after he has received notice of such offer, and shall not finally recover a greater sum than the sum offered, not including interest on the sum recovered, in damages from the date of the offer, the said city shall be entitled to recover its costs after said date, and the complainant, if he recovers damages, shall be allowed his costs only to the date of the offer.

City may offer
a specified sum,
etc.

SECTION 7. The said city may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, borrow money from time to time and issue therefor negotiable bonds, notes and scrip to an amount not exceeding in the aggregate two hundred thousand dollars; such bonds, notes or scrip shall be signed by the treasurer of said city and countersigned by the mayor, and shall be denominated on the face thereof, City of Salem Water Loan, Act of 1893, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, and shall bear such rate of interest, not exceeding six per cent., as the city council of said city may determine. The said city may sell such securities at public or private sale, or pledge the same for not less than the par value thereof, for money borrowed for the purposes aforesaid, upon such terms and conditions as it may deem proper, and may make payable annually a fixed proportion of the principal of said bonds, notes or scrip; and said city shall raise annually by taxation the amount required to meet such interest and the proportion of the principal payable annually. The sinking funds of any loan of said city may be invested in said bonds, notes or scrip.

City of Salem
Water Loan,
Act of 1893.

SECTION 8. The town of Beverly, for the purpose of paying to the city of Salem any portion of the necessary expenses and liabilities incurred under the provisions of this act, for which it may be liable to said city, may

Town of Bev-
erly water
bonds.

borrow money from time to time and issue therefor negotiable bonds, notes and scrip to the amount of such liability to said city, as it may be incurred and become due; such bonds, notes or scrip shall be signed by the treasurer of said town and countersigned by a majority of the board of selectmen of said town, and shall be payable at the expiration of periods not exceeding thirty years from the date of issue, and shall bear such rate of interest, not exceeding six per cent., as the board of selectmen of said town shall determine. The said town may sell such securities at public or private sale or pledge the same for not less than the par value thereof, for money borrowed for the purposes aforesaid, upon such terms and conditions as it may deem proper, and may make payable annually a fixed proportion of the principal of said bonds, notes or scrip; and said town shall raise annually by taxation the amount required to meet such interest and the proportion of the principal payable annually. The sinking funds of any loan of said town may be invested in said bonds, notes or scrip.

Penalty for wilful corruption, pollution, etc., of waters, etc.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said city under the authority and for the purposes of this act, or burns or destroys any trees, wood or timber standing or being upon land taken or held under the authority of this act, shall forfeit and pay to said city three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Rights and powers of city of Salem and town of Beverly.

SECTION 10. The city of Salem shall have and exercise in relation to the further water supply authorized by the provisions of this act, similar rights and powers to those vested in said city by the provisions of said chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-four and acts in amendment thereof and supplementary thereto, so far as the same are not inconsistent with this act and may be applicable thereto; and the town of Beverly shall have the same rights to take water from any of the sources, storage basins or works acquired or constructed under the authority of this

act as it now has to take water from Wenham lake. Said town of Beverly shall upon demand annually pay to the city of Salem one third of the expenses which said city shall incur under the authority of this act, for the purpose of securing a sufficient supply of water for said city of Salem and said town of Beverly, and preserving the purity thereof, whether said expenses shall be for damages and costs for land, water rights and easements purchased or taken for said purposes, for damages on account of flowage or expense incurred in constructing works, or for water pipes and the laying thereof, or incurred by reason of any other thing done for the purpose aforesaid. And upon payment by said town to said city of the said one third of the expenses, damages and costs of any lands, water rights or easements taken or purchased under the authority of this act and for which said town of Beverly is obliged by the foregoing provisions to make such payment, said city shall execute and record a declaration of trust in or concerning said lands, water rights and easements, declaring that one undivided third part of the same is held in trust for said town and that said town is entitled to the beneficial enjoyment of said one undivided third part thereof. Said chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-four and acts in amendment thereof and supplementary thereto, and chapter two hundred and ninety-four of the acts of the year eighteen hundred and eighty-five, so far as the same are not inconsistent with this act and may be applicable thereto, shall apply to the water supply and all things appertaining thereto, authorized by the provisions of this act.

Town of Beverly to make annual payments to city of Salem.

City of Salem to make a declaration of trust, etc.

Provisions of law to apply.

SECTION 11. This act shall take effect upon its acceptance by the city council of the city of Salem, and by the inhabitants of the town of Beverly at a meeting duly called for that purpose.

To take effect upon acceptance.

Approved May 18, 1893.

AN ACT TO FIX THE TIME OF CAPITAL TRIALS.

Be it enacted, etc., as follows:

Chap. 365

SECTION 1. Nothing contained in section four of chapter three hundred and seventy-nine of the acts of the year eighteen hundred and ninety-one shall be construed to repeal, amend or affect section thirty-eight of chapter two hundred and thirteen of the Public Statutes.

Time of capital trials.

SECTION 2. This act shall take effect upon its passage.

Approved May 18, 1893.

Chap. 366 AN ACT TO AUTHORIZE THE GREAT BARRINGTON FIRE DISTRICT TO
EXTEND AND IMPROVE ITS WATER WORKS AND TO ISSUE BONDS.

Be it enacted, etc., as follows:

May extend and
improve water
works.

SECTION 1. The Great Barrington Fire District is hereby authorized to extend and improve the water works now owned and operated by said fire district so as to supply its whole territory and all its inhabitants with water for fire and domestic purposes, and may enlarge and extend mains, construct reservoirs and hydrants, and do all things necessary for the purposes aforesaid.

Great Barrington Fire District Water Loan, Third Issue.

SECTION 2. The said fire district may, for the purpose of paying the cost and expense of such extensions and improvements of its water works and the expenses incident thereto, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate twenty thousand dollars. Such bonds, notes or scrip shall be in addition to the amount of bonds already issued by said fire district, shall bear on their face the words, Great Barrington Fire District Water Loan, Third Issue, shall be payable at periods not exceeding forty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding five per centum per annum, and shall be signed by the treasurer and countersigned by the chairman of the water commissioners of said fire district. The said fire district may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said fire district shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Sinking fund.

Annual payments.

SECTION 3. The said fire district instead of establishing a sinking fund may, at the time of authorizing said loan, provide for the payment of the same by such annual payments as will in the aggregate extinguish the same at maturity, and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of the town of Great Barrington in each year thereafter until the debt incurred by said loan shall be extinguished.

SECTION 4. This act shall take effect upon its passage.

Approved May 18, 1893.

AN ACT CONCERNING THE VOLUNTEER MILITIA.

Chap. 367

Be it enacted, etc., as follows:

SECTION 1. Every able-bodied male citizen, resident within this state, of the age of eighteen years and under the age of forty-five years, excepting persons exempted by sections two, three and five, and idiots, lunatics, common drunkards, vagabonds, paupers and persons convicted of any infamous crime, shall be enrolled in the militia. Persons so convicted after enrolment shall forthwith be disenrolled; and in all cases of doubt respecting the age of a person enrolled, the burden of proof shall be upon him.

Enrolment of
the militia.

SECTION 2. In addition to the persons exempted from enrolment in the militia by the laws of the United States, the persons hereinafter mentioned shall also be absolutely exempted from enrolment, viz.: — Justices and clerks of courts of record; judges and registers of probate and insolvency; registers of deeds, and sheriffs; officers who have held or may hold commissions in the regular or volunteer army or navy of the United States; officers who have held, for a period of five years, commissions in the militia of this or any other state of the United States, or who have been superseded and discharged, or who held commissions in any organization of the Massachusetts volunteer militia at the time of its disbandment; enlisted men who have served honorably in the volunteer militia continuously for a period of nine years; ministers of the gospel; practising physicians; superintendents, officers and assistants employed in or about either of the state hospitals, state almshouses, state prisons, jails or houses of correction; keepers of lighthouses; conductors and engine drivers of railroad trains; seamen actually employed on board of any vessel, or who have been so employed within three months next preceding the time of enrolment.

Exempts from
enrolment.

SECTION 3. Every person of either of the religious denominations of Quakers or Shakers, who, on or before the first Tuesday in May, annually, produces to the assessors of the city or town in which he resides, a certificate signed by two or more of the elders or overseers, as the case may be, and countersigned by the clerk of the society with which he meets for public religious worship, shall be exempted from enrolment. The certificate shall be in form as follows: —

Quakers, etc.,
exempt upon
certificate of
elders, etc.

We, the subscribers of the society of the people called
 in the of , in the county of
 do hereby certify that is a member of our society,
 and that he frequently and usually attends religious worship with
 said society, and we believe he is conscientiously scrupulous of bear-
 ing arms.

A. B., *Elders or Overseers.*

C. D. (as the case may be).

E. F., *Clerk.*

Penalty for
 giving false
 certificate.

SECTION 4. If elders or overseers of a society of Quakers or Shakers give the certificate provided in the preceding section to a person who does not profess the religious faith of their society, or who is not a member thereof, or who is not conscientiously scrupulous of bearing arms, each elder or overseer so offending shall forfeit two hundred dollars to the use of the Commonwealth, and be imprisoned not exceeding six months; and any person claiming to be exempted from enrolment by virtue of such a certificate, who does not profess the religious faith or is not a member of the society named therein, or who is not conscientiously scrupulous of bearing arms, shall be liable to the same penalty.

Members of fire
 department ex-
 empted from
 military duty,
 etc.

SECTION 5. Enginemen or members of the fire department in a city or town shall be exempted from military duty by forthwith filing with the assessors of the city or town in which they reside, a certificate that they are enginemen or members of the fire department as aforesaid, signed by the mayor and aldermen or fire commissioners of such city or the selectmen of such town; but when a member of a volunteer company is, after his enlistment, appointed an engineman or member of the fire department, it shall not vacate his enlistment.

Enrolled militia
 subject to no
 active duty
 except in case
 of war, etc.

SECTION 6. The enrolled militia shall be subject to no active duty except in case of war, invasion, the prevention of invasion, the suppression of riots and to aid civil officers in the execution of the laws of the Commonwealth.

Assessors to
 make list of
 persons liable to
 enrolment, etc.

SECTION 7. Assessors shall annually, in May or June, make a list of persons living within their respective limits liable to enrolment, and place a certified copy thereof in the hands of the clerks of their respective cities and towns, who shall place it on file with the records of such city or town, and annually, in May, June or July, transmit returns of the militia thus enrolled to the adjutant general.

Certain persons
 to give names,
 etc., to assess-
 ors, under
 penalty.

SECTION 8. Keepers of taverns or boarding houses, and masters and mistresses of dwelling houses, shall, upon application of the assessors within whose bounds

their houses are situated, or of persons acting under them, give information of the names of persons residing in their houses, liable to enrolment or to do military duty, and every such person shall, upon like application, give his name and age; and if such keeper, master, mistress or person refuses to give such information, or gives false information, such keeper, master or mistress shall forfeit twenty dollars, and such person shall forfeit twelve dollars, to be recovered on complaint of either of the assessors.

SECTION 9. When it is necessary to call out any portion of the enrolled militia for active duty, the commander in chief shall direct his order to the mayor and aldermen of cities or to the selectmen of towns, who, upon receipt of the same, shall forthwith, by written order or oral notice to each individual, or by proclamation, appoint a time and place for the assembling of the enrolled militia in their city or town, and shall then and there proceed to draft as many thereof, or to accept as many volunteers, as is required by the order of the commander in chief, and shall forthwith forward to the commander in chief a list of the persons so drafted or accepted as volunteers.

Calling out
enrolled militia
for active duty.

SECTION 10. Every member of the enrolled militia ordered out, or who volunteers or is detached or drafted, under the provisions hereof, who does not appear at the time and place designated by the mayor and aldermen or selectmen, or who has not some able-bodied and proper substitute at such time and place, or does not pay to such mayor and aldermen or selectmen, for the use of the Commonwealth, seventy-five dollars, within twenty-four hours from such time, or who does not produce a sworn certificate, from a physician in good standing, of physical disability to so appear, shall be taken to be a deserter, and dealt with accordingly. The portion of the enrolled militia so accepted shall be immediately mustered into the service of the Commonwealth for three years, or such less period as the commander in chief may direct, and shall be organized into companies, which may be arranged in battalions or regiments, or assigned to organizations of the volunteer militia already existing. Such new organizations shall be officered, equipped, trained and governed according to the laws for the government of the volunteer militia. Elections shall forthwith be ordered in such new organizations, by the commander in chief, who may detail

Penalty for not
appearing, etc.

Muster in, or-
ganization, etc.,
of accepted
militia.

officers to train and command them until the officers elect shall have qualified, and shall have passed the examination required by section fifty-three.

Staff of commander in chief.

SECTION 11. The staff of the commander in chief shall consist of an adjutant general, with the rank of major general, who shall be ex officio chief of staff; an inspector general, a quartermaster general, a commissary general, a surgeon general, and a judge advocate general, each with the rank of brigadier general, who will take precedence in the order named; four aides-de-camp, each with the rank of colonel; and such additional officers of the staff as the public service may require, with such rank as the commander in chief may designate. They shall be commissioned and hold office until their successors are appointed and qualified, but may be removed at any time by the commander in chief. In times of peace, unless otherwise directed by the commander in chief, the adjutant general shall be inspector general, quartermaster general, commissary general, and chief of ordnance. No person shall be eligible to appointment on the staff of the commander in chief who has not been in the service of the militia of this Commonwealth for at least one year, or been in the military or naval service of the United States, excepting the judge advocate general and the four aides-de-camp.

Adjutant general, duties.

SECTION 12. The adjutant general shall distribute all orders from the commander in chief; obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by the laws of the state and of the United States; furnish blank forms for the different returns and rolls as may be required; receive from the several officers of the different corps throughout the state, returns of the militia under their command, reporting the actual condition of their uniforms, arms, accoutrements and ammunition, their delinquencies and every other thing which relates to the advancement of good order and discipline, — all of which the several officers of the volunteer militia are hereby required to make, so that the adjutant general may be furnished therewith; and from all said returns he shall make proper abstracts and lay the same annually before the commander in chief; and he shall annually, on or before the first Monday in January, make a return in duplicate of the militia of the state, with the condition of

their uniforms, arms, accoutrements and ammunition, according to such directions as he may receive from the secretary of war of the United States, one copy of which he shall deliver to the commander in chief and the other of which he shall transmit to the president of the United States. He shall also, subject to the orders of the commander in chief, attend to the prosecution of soldiers' claims.

SECTION 13. The adjutant general shall receive a salary of three thousand six hundred dollars a year, and may employ five clerks, — one at a salary of twenty-two hundred dollars a year, a second clerk at a salary of sixteen hundred dollars a year, and an additional clerk at a salary of two thousand dollars a year, and two at twelve hundred dollars each a year, — and a messenger at a salary of eight hundred dollars a year. He may employ such additional clerks and other assistants as may be necessary to conduct the business of his department, and such persons as may be necessary in the quartermaster's and ordnance bureau, at an expense in all not exceeding six thousand dollars a year.

Adjutant general, clerks, salaries, etc.

SECTION 14. The quartermaster general shall give bond to the state in the penal sum of twenty thousand dollars, with two sureties at least, to be approved by the governor and council, conditioned faithfully to discharge the duties of his office, to use all necessary diligence and care in the safe keeping of military stores and property of the Commonwealth committed to his custody, and to account for and deliver over to his successor or to any other person authorized to receive the same, such stores and property. The commander in chief may require the duties imposed upon the quartermaster general to be performed by any member of his staff, who shall in that case give bond to the state in like manner as is required of the quartermaster general. The quartermaster general, under the orders of the commander in chief, shall have the care and control of the state camp ground, of all state arsenals and magazines, of the soldiers' burial lot and monument at Dedham, and all military property of the state, excepting such as is by law expressly intrusted to the keeping of other officers. He shall purchase and issue all arms, ammunition, clothing, camp equipage and military supplies and stores of every description, except surgical instruments and medical supplies; he shall pro-

Quartermaster general, bond, duties, etc.

cure and provide means of transport for the militia and for all its implements, munitions of war and military supplies, such transportation to be in kind whenever practicable. He is authorized to receive into the storehouse at the state camp ground, from the several militia organizations, such articles of personal property used for military camping purposes as can be accommodated therein; these articles shall be received and delivered at the expense of the owners thereof and held at such owner's risk. He shall, at the public expense, also provide suitable places for the safe keeping of all munitions of war, intrenching tools and all other implements of war, and shall have the care and management of all lands held by the Commonwealth for military uses. Such tools and implements shall be designated as the property of the Commonwealth by suitable permanent brands or marks on each of them. He may allow proper accounts annually for the repairs of uniforms and equipments. The quartermaster general shall adjust all accounts relating to loans of state military property to cities and towns, institutions and schools, and shall require annual returns of such property and of its condition, at such times and in such manner as he may direct, and may at any time, under the direction of the governor, recover the whole or any part of such property when deemed for the best interests of the Commonwealth.

Penalty for
buying, etc.,
certain tools,
etc.

SECTION 15. Whoever purchases, retains or has in his possession any tool or implement marked or branded as provided in the preceding section, and not delivered to him by a person thereto authorized, shall be punished by a fine not exceeding ten times the value of such tool or implement.

Inspections.

SECTION 16. The adjutant general, or such other officers as the commander in chief shall indicate, shall inspect once in every year, and oftener if the commander in chief shall deem necessary, all headquarters, armories and all state property in the hands of the militia, and report the condition of the same, and what should be a proper allowance for rent. The superintendent of the state arsenal may, under orders, inspect state property in armories for the purpose of ascertaining what supplies are needed. The inspector general, or his assistants under his orders, may inspect any organization at any time when the troops thereof are under arms, or in attendance at their armories;

but such inspections shall not constitute tours of duty for which pay will be allowed. The inspector general and his assistants shall act under the orders of the commander in chief.

SECTION 17. The surgeon general shall receive a salary of twelve hundred dollars a year; and, subject to the orders of the commander in chief, shall have general supervision and control of all matters pertaining to the medical department of the militia, and shall prescribe the physical and mental disabilities exempting from military duty; he shall purchase and issue all medical and hospital supplies, and perform such other duties appertaining to his office as the commander in chief shall from time to time direct.

Surgeon general, salary, duties, etc.

SECTION 18. The judge advocate general shall review all proceedings of courts-martial which require the action of the commander in chief, reporting thereon in writing; shall bring such suits as may be required under the provisions of this chapter, and shall be the legal adviser of the military department of the Commonwealth in such matters pertaining to the government of the militia as may be referred to him by the commander in chief.

Judge advocate general.

SECTION 19. The inspector general, surgeon general, judge advocate general, and all other officers of the staff of the commander in chief, who are or may be required to make annual reports, shall forward the same to the adjutant general on or before the fifteenth day of December in each year; such reports shall be published by him with his annual report to the commander in chief.

Annual reports.

SECTION 20. The adjutant general, inspector general, quartermaster general, commissary general, or surgeon general, or any assistant of either of them, whether appointed or detailed to act as such, or any subordinate officers of their departments, shall not be interested, directly or indirectly, in the purchase or sale of any article intended for, making a part of, or appertaining to, their respective departments, except for and on account of the Commonwealth; nor shall they or any of them take or supply to his or their own use any gain or emolument for negotiating or transacting any business in their respective departments, other than what is or may be allowed by law.

Officers not to be pecuniarily interested in business transactions, etc.

SECTION 21. The active militia shall be composed of volunteers, and shall be designated the Massachusetts

Massachusetts Volunteer Militia.

Volunteer Militia, and shall first be ordered into service to resist invasion, quell insurrection, aid in the suppression of riots, to aid civil officers in the execution of the laws of the Commonwealth, or in time of public danger.

Volunteer
militia in time
of peace.

SECTION 22. In time of peace, the volunteer militia shall consist of not more than seventy-two companies of infantry; three companies of cavalry; three batteries of light artillery; a signal and ambulance corps to each brigade; two corps of cadets; and one naval brigade, to consist of two battalions of not more than four companies in each battalion.

Brigades, regi-
ments and
battalions.

SECTION 23. The commander in chief shall arrange the infantry, artillery and cavalry into regiments, battalions, and when necessary, unattached companies, and not more than two brigades. There shall not be more than six regiments of infantry, one regiment or more of which, at the discretion of the governor, shall be trained, instructed and exercised as heavy artillery.

Organization of
new companies.

SECTION 24. Petitions for organizing volunteer companies may be granted by the commander in chief, due regard being had to a proper distribution of the force through the Commonwealth; such petitions shall be accompanied by the approval of the mayor and aldermen of cities or the selectmen of towns in which a majority of the petitioners reside; but no new company shall be organized except as provided in section ten, if thereby the whole number of companies shall exceed the number established in this act.

Staff of briga-
dier general.

SECTION 25. To each brigade there shall be one brigadier general, whose staff shall consist of one assistant adjutant general, one medical director, each with the rank of lieutenant colonel; one assistant inspector general, who shall be paymaster and mustering officer for unattached companies of such brigade; one assistant inspector general of rifle practice, each with the rank of major; one brigade quartermaster, one engineer, one judge advocate, one provost marshal, and two aides-de-camp, each with the rank of captain. There shall also be allowed to each brigade the following non-commissioned staff officers, viz.: one brigade sergeant major, one brigade quartermaster sergeant, one brigade hospital steward, one brigade provost sergeant, one brigade chief bugler, one brigade color sergeant, two brigade sergeant clerks. To each signal corps there shall be one first lieu-

tenant, one first sergeant, four sergeants and twenty privates. The commissioned officer shall receive the same pay and emoluments as a first lieutenant of cavalry. To each ambulance corps there shall be one first lieutenant, three sergeants, four corporals and eighteen privates. The commissioned officer shall be a medical officer and receive the same pay and emoluments as a first lieutenant of cavalry. The ambulance corps shall be instructed in such manner as may from time to time be prescribed by the surgeon general.

SECTION 26. To each regiment there shall be one colonel, one lieutenant colonel, three majors, and a staff, to consist of one surgeon with the rank of major, one adjutant, one quartermaster, one paymaster, who shall be the mustering officer, one assistant surgeon, and one inspector of rifle practice, each with the rank of first lieutenant, and one chaplain. There shall also be a non-commissioned staff, as follows: one sergeant major, one quartermaster sergeant, one paymaster sergeant, one hospital steward, one drum major, one chief bugler; there shall also be allowed to each regiment two color sergeants, and one orderly to rank as private, and sixteen drummers, to be enlisted and mustered as drummers. To each separate battalion of cavalry there shall be one major, and a staff to consist of one surgeon, with the rank of major, one adjutant, one quartermaster, one paymaster, who shall be the mustering officer, one inspector of rifle practice and one assistant surgeon, one veterinary surgeon, each with the rank of first lieutenant, and one chaplain. There shall also be a non-commissioned staff as follows: one sergeant major, one quartermaster sergeant, one hospital steward, one chief bugler and two guidon sergeants. To each separate battalion of artillery there shall be one major, and a staff to consist of one surgeon with the rank of major, one adjutant, one quartermaster, one paymaster, who shall be the mustering officer, and one assistant surgeon, one veterinary surgeon, each with the rank of first lieutenant, and one chaplain, and whenever a vacancy shall occur in the position of assistant surgeon of the battalion of artillery or the battalion of cavalry, the office of said assistant surgeon shall be abolished. There shall also be a non-commissioned staff as follows: one sergeant major, one quartermaster sergeant, one hospital steward, one chief bugler and two guidon sergeants.

Field and staff
officers, etc.,
regiment.

Battalion of
cavalry.

Battalion of
artillery.

Company officers, infantry.

Cavalry.

Battery of light artillery.

Staff, unattached companies.

Cadets.

SECTION 27. To each company of infantry there shall be one captain, one first lieutenant and one second lieutenant, one first sergeant, four sergeants, six corporals, one bugler and not more than forty-six privates; and the minimum number of enlisted men shall be forty-one. To each company of cavalry there shall be one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, five sergeants, seven corporals, two buglers and not more than sixty-one privates; and the minimum number of enlisted men shall be fifty-six. To each battery of light artillery of four guns there shall be one captain, two first lieutenants, one second lieutenant, one first sergeant, one quartermaster sergeant, one stable sergeant, four sergeants, nine corporals, one of whom shall be the guidon, two artificers, two buglers and not more than sixty-three privates; and the minimum number of enlisted men shall be fifty-seven. To each battery of more than four guns there shall be for each additional gun, one sergeant, two corporals and not more than sixteen nor less than nine privates; for each additional two guns there shall be one additional second lieutenant. To each unattached company of cavalry or battery of light artillery there shall be a staff to consist of one assistant surgeon with the rank of first lieutenant, and a non-commissioned staff to consist of one hospital steward.

SECTION 28. To each corps of cadets there shall be one lieutenant colonel, one major, and a staff to consist of one surgeon, with the rank of major, one adjutant, one quartermaster, one paymaster, who shall be the mustering officer, one inspector of rifle practice and one assistant surgeon, each with the rank of first lieutenant, and one chaplain. There shall also be a non-commissioned staff as follows: one sergeant major, one quartermaster sergeant, one hospital steward, and one drum major; and there shall be such numbers of line officers, not to exceed four captains, four first lieutenants and four second lieutenants, and of non-commissioned officers, musicians and privates, as the commander in chief shall deem expedient. These corps of cadets shall be instructed, armed and equipped as the commander in chief shall direct, and shall receive the same compensation and allowances as separate battalions of infantry; they shall remain unattached, subject only to the orders of the commander in chief, except in case of precept, as provided in section ninety-nine.

SECTION 29. The officers of the naval brigade shall Naval brigade. consist of one captain, who shall be chief of brigade, and whose rank and pay shall be the same as that of a colonel of infantry; a commander, whose rank and pay shall be the same as that of a lieutenant colonel of infantry, and who shall be chief of staff and executive officer; and a staff to consist of a brigade adjutant, an ordnance officer, an equipment officer, a paymaster, who shall be the mustering officer for the brigade, a surgeon, an engineer, a signal officer and two aids. These officers, except the signal officer and two aids, shall be lieutenants and have rank and pay corresponding with that of captains of infantry. The signal officer and aids shall be lieutenants, junior grade, and shall have the same rank and pay as first lieutenants of infantry. There shall also be attached to the brigade staff the following petty officers: one master at arms, who shall be the chief petty officer of the brigade, and shall have the rank and pay of a sergeant major of infantry, one chief gunner's mate, one equipment yeoman, one paymaster's yeoman, one apothecary, one ship's armorer, two torpedo electricians, four machinists, one chief quartermaster, one coxswain, and one chief bugler, all of whom shall have the same rank and pay as non-commissioned staff of infantry. To each battalion of the naval brigade there shall be one lieutenant commander, who shall be chief of battalion, whose rank and pay shall be the same as that of a major of infantry, and a staff consisting of one battalion adjutant, and one assistant surgeon, who shall have the rank of lieutenant, junior grade, with the corresponding rank and pay of first lieutenants of infantry. There shall also be attached to the staff of each battalion the following petty officers: one chief boatswain's mate, one paymaster's yeoman, one apothecary, one electrician, one chief quartermaster, and one bugler, all of whom shall have the same rank as first sergeants of infantry. To each company of the naval brigade there shall be one lieutenant, who shall be chief of company; two lieutenants, junior grade, and two ensigns, who shall correspond in rank and pay with captains and first and second lieutenants of infantry, respectively; two boatswain's mates, two gunner's mates, two quartermasters, two coxswains, one bugler and forty-four seamen, and the minimum number of enlisted men shall be forty-one. Boatswain's mates and gunner's mates shall

rank with sergeants, and coxswains and quartermasters with corporals of infantry. The seamen shall receive the same pay as enlisted men in companies of infantry. The duty may be performed afloat.

Musicians.

SECTION 30. The commander of a regiment of infantry, battalion of artillery or cavalry, corps of cadets, the naval brigade, or unattached company, may employ or raise by enlistment, a band of musicians, not to exceed twenty-four in number, to be under his direction and command. Such musicians while on duty, shall be subject to all the laws and regulations for the government of the militia, except that they need not be mustered in as prescribed for enlisted men.

Disbandment.

SECTION 31. The commander in chief may at any time disband any company of the volunteer militia when it falls below the proper standard of efficiency.

Eligibility to election or appointment.

SECTION 32. No person shall be eligible to election or appointment to office in the militia of this Commonwealth who is not a male citizen of the United States, of eighteen years of age or upwards, resident in this state, or who is disqualified by law from enrolment in the militia; but no citizen otherwise qualified shall be ineligible to office in the militia from not having been enrolled therein. No person shall be eligible to military office who is under sentence of disability to hold office or command, or of suspension from command in the military forces of the United States or of any state. No citizen of the Commonwealth above the age of forty-five years shall, on account of such age, be ineligible to office in the militia, nor incapable of serving in a volunteer company.

Commissioned officers to take rank according to date of commissions, etc.

SECTION 33. Commissioned officers shall take rank according to the date of their commissions. Between officers of the same grade and date of appointment or commission, relative rank shall be determined by lot. The day of the appointment or election of an officer shall be expressed in his commission, and considered as the date thereof. When an officer is continued by appointment or election from one office to another, or appointed, elected or transferred by appointment or election from one organization to another in the militia, without loss of grade or continuous service, he shall take rank in his grade according to the date of his original commission therein, and a statement showing that date shall be made in his new commission.

SECTION 34. All staff officers of the militia shall be appointed as hereinafter provided, and commissioned by the commander in chief, on the request of the several appointing officers, provided that such appointees be eligible; and no judge advocate shall be commissioned unless he be a justice of the peace and a member of the Massachusetts bar. The staff of the commander in chief shall be appointed by him; the staff of a brigade, by the brigadier general commanding; the staff of a regiment of infantry, battalion of artillery, cavalry, corps of cadets, the naval brigade, or unattached company, by the permanent commander thereof; the officers of signal and ambulance corps, by the brigadier general commanding.

Appointment of staff officers.

SECTION 35. The officers of the line of the militia shall be elected as follows: Brigadier generals, by the written votes of the field officers of the respective brigades. Field officers of regiments of infantry, battalions of artillery and cavalry and corps of cadets, by the written votes of the captains and lieutenants of the several companies of the respective regiments, separate battalions or corps. Captains, commander and lieutenant commanders of the naval brigade, by the written votes of the company officers of the brigade. Lieutenants, lieutenants junior grade and ensigns of companies, by the written votes of the enlisted men of their respective companies. Captains and lieutenants of companies, by the written votes of the enlisted men of the respective companies, except that in the corps of cadets, captains and lieutenants shall be elected by the written votes of the enlisted men of the respective corps.

Election of line officers.

SECTION 36. Elections of brigadier generals shall be ordered by the commander in chief. Elections of other officers of the militia shall be ordered either by the commander in chief or by such officers as he may authorize.

Orders for elections.

SECTION 37. No election of officers shall be ordered in any company unless there shall be actually enlisted and mustered therein at least the minimum number of enlisted men prescribed in section twenty-eight.

Order for election of company officers.

SECTION 38. Vacancies in the grades of company officers shall be filled and the officers elect commissioned before any choice is made of field officers for the respective organizations; and every vacancy in the grade of field officer shall be filled in each brigade before any choice is made of brigadier general in that brigade.

Vacancies.

SECTION 39. Elections shall be held at the places most convenient for the majority of the electors.

Places for elections.

Notices for elections.

SECTION 40. No notice for an election shall be legal unless given to each elector at least four days previous to the time of the meeting, either verbally or by delivery to him in person, or leaving at his usual place of business or abode, the order for such election.

Presiding officers at elections.

SECTION 41. Officers ordering elections may preside, or detail some officer of suitable rank to preside; an officer of the rank of captain may preside at the election of an officer of equal or inferior grade; but no candidate for the vacancy shall preside at the election, except to adjourn the meeting if no proper officer appears to preside.

Election record, return and notification.

SECTION 42. At all elections the presiding officer shall keep a record of the proceedings and shall make a certified return of the election, or of neglect or refusal to elect, within six days thereafter, to the adjutant general, through the proper military channel, for the information of the commander in chief; and the officer elect shall, provided he be eligible and accepts as provided in section forty-eight, thereupon be commissioned and notified to appear before the examining board provided in section fifty-three, and any commissioned officer who has been discharged under the provisions of section fifty-three of this act, shall not be eligible for election or appointment to a commission within six months after such discharge.

Eligibility of officer discharged.

Presiding officer to be furnished with certified roster.

SECTION 43. A certified roster of the brigade, regiment, battalion, corps of cadets, or naval brigade, or a certified roll of the company or companies, as the case may be, shall be furnished to the presiding officer previous to an election.

Majority of electors to be present, etc.

SECTION 44. No election shall be held unless a majority of the electors are present and voting.

Adjournment.

SECTION 45. Elections may be adjourned not exceeding twice, and each adjournment for a period not exceeding two days.

Report on failure to elect.

SECTION 46. If there is no quorum, or the electors present fail from any cause to elect and the meeting is adjourned, the presiding officer shall report the facts in writing to the adjutant general.

Election by a majority vote, etc.

SECTION 47. The person who has a majority of the written votes of the electors present at a meeting duly notified shall be deemed elected, and the presiding officer shall forthwith notify him of his election.

Acceptance, etc., within three days.

SECTION 48. Every person elected to office in the militia shall within three days declare, in writing or in

person to the officer presiding at his election, his acceptance or declination of such office, and such declaration shall be made a part of the return of the presiding officer.

SECTION 49. If, before the meeting for the election of any officer is dissolved, the person chosen signifies either in person or in writing to the presiding officer his refusal to accept, the same shall be recorded and made part of the return, and the electors shall proceed to another election.

Upon refusal to accept at meeting, another election to be had, etc.

SECTION 50. When an officer holding a military commission is elected or appointed to another office in the militia, and accepts the same, such acceptance shall vacate the office previously held, for the purpose of election; but such officer shall continue to serve until his successor is qualified in his stead, if ordered so to do by his regimental or battalion commander or by the commander in chief.

Acceptance of new office to vacate office previously held, etc.

SECTION 51. When the electors neglect or refuse to elect to fill a vacancy the commander in chief shall, except as provided in the following section, appoint a suitable person.

Appointment upon neglect or refusal to fill vacancy.

SECTION 52. If a company without commissioned officers has been twice ordered to elect officers and neglects or refuses to elect at least one of such officers, the company may be forthwith disbanded by the commander in chief.

Company without officers refusing to elect may be disbanded.

SECTION 53. Every commissioned officer, except the staff officers of the commander in chief, medical officers and chaplains shall, upon being notified as provided in section forty-two, appear before an examining board, to consist of the permanent commanders of brigades, regiments of infantry, battalions of artillery and cavalry, the naval brigade and corps of cadets. The board shall examine the said officer as to his military, moral and general qualifications, and administer to him the oaths as prescribed in section fifty-four. If in their opinion such officer is competent, the fact shall be certified to the commander in chief, who shall issue his order announcing the result of such examination. Medical officers shall appear before an examining board, to consist of three medical officers, which board shall certify to the competency of such officer and administer the oath as prescribed for other commissioned officers. Any officer who fails to appear before the board of examiners within forty days from the date of his election or appointment, or who fails to pass a satisfactory examination before said board, shall

Examining board; officers elect, examination, qualification, certification, etc.

Officer who fails to pass examination, to be discharged, may enlist.

be forthwith discharged by the commander in chief; but any such officer shall have the privilege of enlisting to secure continuous service, in which case his enlistment shall date from the day of his election to the office for which he failed to pass a satisfactory examination before the board of examiners, as provided in this section, provided he so enlists within thirty days from the date of his discharge from the office to which he was elected. Any commissioned officer who has been discharged by reason of his failure to pass a satisfactory examination before the board of examiners, under the provisions of this section, shall not be eligible for election or appointment to a commission within six months after such discharge. And any officer resigning his commission shall have the privilege of enlisting to secure continuous service, in which case his enlistment shall date from the day of his resignation, provided he is mustered within thirty days from the date of his resignation.

Not eligible for election or appointment for six months.

Officer resigning may enlist to secure continuous service.

Oaths of office.

SECTION 54. Every commissioned officer, before he enters upon the duties of his office or exercises any command, shall take and subscribe the following oaths and declarations:—

I, A. B., do solemnly swear that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.

I, A. B., do solemnly swear that I will obey the lawful orders of all my superior officers.

I, A. B., do solemnly swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of the Commonwealth. So help me, God.

I, A. B., do solemnly swear that I will support the constitution of the United States. So help me, God.

Qualifying officers.

All officers shall take and subscribe such oaths before the examining boards provided by section fifty-three, except the staff officers of the commander in chief, who may take such oaths before any competent authority; and on the back of every commission the following certificate shall be printed and signed by the person before whom such officer is qualified:—

Certificate of qualification.

This may certify that A. B., commissioned as within on this day of _____, A. D. _____, personally appeared and took and subscribed the oaths required by the constitution and laws of this Commonwealth and a law of the United States, to qualify him to discharge the duties of his office.

Before me,

Any commissioned officer in the militia service on or after the first day of May in the year eighteen hundred and ninety-three, who shall have served as such in the active militia of this state for the continuous period of ten years, may, upon his own application, be placed upon the retired list and with the rank held by him at the time such application is made. At the discretion of the commander in chief he may be retired with increased rank. Retired officers may, on occasions of ceremony, wear the uniform of their retired rank.

Certain officers
may be retired.

SECTION 55. Non-commissioned staff officers of brigades, regiments of infantry, battalions of artillery or cavalry, the naval brigade, corps of cadets and unattached companies shall be appointed by their respective permanent commanders; and such commanders of regiments of infantry, battalions of artillery or cavalry, the naval brigade and naval battalions, and corps of cadets shall appoint the non-commissioned officers of companies, upon the written nomination of the respective captains; but they may withhold such appointment if in their judgment there be proper cause. Non-commissioned officers of the signal and ambulance corps shall be appointed by their respective brigadier generals commanding, upon the written nomination of the lieutenants commanding such signal or ambulance corps, but they may withhold such appointment if in their judgment there be proper cause. Non-commissioned officers of unattached companies shall be appointed by their respective captains. The color sergeants, chief bugler and drummers of infantry, and orderly shall be appointed by regimental commanders. Non-commissioned officers of the signal and ambulance corps may be reduced to the ranks by the permanent brigade commander. The permanent commander of any regiment of infantry, battalion of artillery or cavalry, the naval brigade, corps of cadets or unattached company may reduce to the ranks any company non-commissioned officer of his command. Permanent commanders of brigades, regiments, battalions of artillery and cavalry, the naval brigade and of cadet corps may reduce to the ranks non-commissioned staff officers of their corps. Company non-commissioned officers may be reduced to the ranks by sentence of court-martial, as prescribed in section one hundred and thirty-eight.

Non-commissioned officers,
appointment.

Reduction to
the ranks.

Enlistment and
muster in of
soldiers.

SECTION 56. Every person enlisting in the volunteer militia shall be mustered into the service of the Commonwealth for a term of three years: *provided*, that any soldier who has received an honorable discharge from the Massachusetts volunteer militia, by reason of the expiration of his term of service, may be reenlisted and mustered in for a term of one, two or three years, as he may elect. All terms of service, except in cases of reenlistment, shall commence at noon on the date of enlistment, if the enlisted man is mustered in within thirty days after his enlistment. When a soldier reenlists, and is mustered into service within thirty days from the expiration of his previous term, his term of service shall be considered as unbroken, and his continuous service shall commence at noon of the day of such expiration, and enlistments and musters shall be so dated.

Privates.

SECTION 57. All soldiers, except non-commissioned staff officers, shall be enlisted and mustered in as privates.

Recruiting
officers.

SECTION 58. The commanding officers of brigades, regiments of infantry and battalions of artillery and cavalry, the naval brigade and battalions shall be the recruiting officers for their respective non-commissioned staffs, the commanding officers of corps of cadets for their respective corps, and such persons as the commander in chief may appoint for new companies under section twenty-four, until a captain shall have been elected or appointed to such company. Colonels of regiments shall be the recruiting officers for two color sergeants, one orderly and sixteen drummers for their respective commands. Company commanders and chiefs of naval brigade companies and of signal and ambulance corps shall be the recruiting officers for their commands, and in case of vacancy the commanding officer of regiments and battalions may order some officer to perform that duty until such vacancy is filled. Recruiting officers may enroll applicants for enlistment above the maximum allowed by law, not to exceed fifteen in number in each company, and such applicants may be instructed and drilled as recruits, and in the discretion of the recruiting officer shall be preferred for enlistment as vacancies may occur.

Additional
recruits.

Enlistment roll.

SECTION 59. Every person recruited for the Massachusetts volunteer militia shall sign an enlistment roll, in form as follows: —

I, whose signature is hereunto affixed, do hereby enlist, or reenlist, as the case may be, in (company, battalion or regiment or corps, etc.,) of the Massachusetts volunteer militia for the term set against my name, subject to all laws and regulations which may govern the same; and I do declare that I know of no impediment to my serving honestly and faithfully as a soldier for the term of my enlistment.

SECTION 60. As soon as practicable, and not more than thirty days after such enlistment, the soldier shall be mustered in by a competent mustering officer, before whom he shall make oath as follows: —

Oath to be administered by mustering officer.

I, _____, do solemnly swear that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof; and I do also solemnly swear that I will faithfully observe and obey all laws and regulations for the government of the volunteer militia of said Commonwealth, and the orders of all officers elected or appointed over me. I do also solemnly swear that I will support the Constitution of the United States. So help me, God.

Sworn to before me,

_____, *Mustering Officer.*

And no enlisted man shall be held to duty in the volunteer militia or receive any compensation or allowance until he is so mustered in. In case a soldier reenlisting is absent from the state, or at such a distance from his command that he cannot be mustered, as prescribed in section fifty-six, by the mustering officer of his regiment of infantry, battalion of artillery or cavalry, the naval brigade or corps of cadets, he may, with the approval of his proper commanding officer, to secure continuous service, take the oath of muster before a notary public, United States commissioner of any state, or United States consul if abroad.

Soldier reenlisting out of the state, etc.

SECTION 61. The commanding officer of any regiment of infantry or battalion of artillery or cavalry, the naval brigade and corps of cadets, may forbid the muster in of any person enlisted when in his judgment the person so enlisted is unfit to be a member of the volunteer militia.

Muster in of certain persons may be forbidden.

SECTION 62. No soldier whose term of service remains unexpired in one organization shall enlist in another organization of the volunteer militia.

Not to enlist in two organizations.

SECTION 63. An officer may be discharged by order of the commander in chief, upon either an address of both houses of the legislature; upon the request of the commander of any brigade, regiment of infantry, the naval brigade or battalions of artillery or cavalry, corps of

Discharge of officers.

cadets or company, after a full and impartial hearing before the commander in chief or the judge advocate general or a court of inquiry, for cause shown; or the sentence of a court-martial.

Upon failure to pass examination.

SECTION 64. An officer who fails to pass the board of examiners or fails to appear before said board, as provided in section fifty-three of this act, and any officer who may at any time be ordered before said board of examiners, and who fails to pass, shall be discharged by the commander in chief.

Upon resignation, disbandment, etc.

SECTION 65. An officer may be honorably discharged by the commander in chief, upon removal of residence from the state; upon tender of resignation; upon the disbandment of the organization to which he belongs; or, if a staff officer, on the written request of the officer appointing him; or upon the qualification of his appointed successor; or when he accepts an appointment in the army or navy of the United States; or for the purpose of reorganization of the militia or any part thereof, upon the recommendation of a board of officers appointed for that purpose.

Dismissal for crime; sentence of court-martial.

SECTION 66. An officer may be dismissed by the commander in chief, when it appears to him that such officer has been convicted of any crime, or has been dishonorably discharged or dismissed from the service of the United States, or from the militia of this or any state; or to carry out the sentence of court-martial.

Certificate of discharge.

SECTION 67. All officers discharged from the service of the state shall be entitled to receive a certificate of such discharge, in such form as the commander in chief shall direct.

Discharge of enlisted men.

SECTION 68. No enlisted man shall be discharged before the expiration of his term of service, except by order of the commander in chief, and for the following reasons: To accept promotion by commission; upon removal of residence from the state, or out of the bounds of the command to which he belongs to so great a distance that, in the opinion of his commanding officer, he cannot properly perform his military duty; upon disability, established by certificate of a medical officer; upon conviction of a felony in a civil court; when in the opinion of the commander in chief the interests of the service demand such discharge; to carry out the sentence of a court-martial; upon application of his company commander, approved by superior commanders.

SECTION 69. Dishonorable discharges, or discharges in such form as to forbid reenlistment, shall be given only in accordance with sentences of courts-martial, or whenever the commander in chief approves. The "no objection to reenlistment" clause may be erased in the certificate of discharge, by orders of the commander in chief.

Dishonorable discharge, etc.

SECTION 70. Every soldier discharged from the service of the Commonwealth shall be furnished with a certificate of such discharge, which shall state clearly the reason therefor; but an honorable discharge certificate shall not be given unless the soldier has complied with the by-laws of the organization of which he was a member, and has cancelled all his indebtedness to such organization.

Certificates of discharge.

SECTION 71. All commissioned officers shall provide themselves with such uniforms, arms and equipments, complete, as the commander in chief shall from time to time prescribe; and such uniforms, arms and equipments shall be free from all suits, distresses, executions or sales for debt or payment of taxes. The uniform or insignia of rank prescribed for the officers of the Massachusetts volunteer militia shall be worn only by persons entitled thereto, by commission under the laws of this Commonwealth or of the United States, or of another state of the United States, provided any honorably discharged officer may wear, upon public occasions, the uniform and insignia of rank to which his commission entitled him while in service. Any person violating this section shall be liable to a fine of one thousand dollars, on complaint of any officer of the militia.

Uniforms, arms, etc., of commissioned officers.

Penalty.

SECTION 72. Every organization of the volunteer militia shall be provided, at the expense of the Commonwealth, with such uniforms, arms, equipments, colors, musical instruments, books of instruction and of record, camp and garrison equipage and military supplies, as may be necessary for the proper training and instruction of the force, and for a proper performance of the duty required under this chapter, except as provided in the preceding section. Such property shall be issued to the commanders of brigades, regiments, battalions, corps of cadets, companies, signal and ambulance corps, or detachments, by the quartermaster general, upon requisitions, in such form as may be prescribed; but in time of peace no uniforms, arms, equipments or military supplies shall

Uniforms, arms, etc., of organizations.

be issued to or for the use of any company, unless the said company shall have at least the minimum number of enlisted men prescribed by law.

Uniforms of
the volunteer
militia.

SECTION 73. The uniform of the volunteer militia shall conform as nearly as practicable to that of the regular army of the United States for each enlisted man, the style of which shall be prescribed by the commander in chief, and uniforms hereafter provided shall be substantially alike for each arm of the service. No uniforms, excepting yearly supplies required, shall be provided by the state except by a special appropriation for that purpose, in which case the purchase shall be made under such inspection as the commander in chief may direct.

State uniforms,
arms, etc., for
military pur-
poses only, etc.

SECTION 74. The uniforms, arms, equipments and other property so furnished shall remain and continue to be the property of the Commonwealth, to be used for military purposes only; and such as have not been properly expended in such use shall be returned when ordered by the quartermaster general.

Officers to make
returns of mili-
tary property.

SECTION 75. Every officer receiving public property for military use shall, on the first day of July and December in each year, make a full return of all such property for which he is accountable, in such form as may be prescribed, and shall forward the same to the quartermaster general within fifteen days of such dates.

Military prop-
erty to be kept
in armories, etc.

SECTION 76. All arms, equipments and military property of every description which shall be furnished to the several commands under the provisions hereof shall be deposited in the armories or headquarters of said commands for safe keeping.

Military prop-
erty issued for
use to be imme-
diately returned,
etc.

SECTION 77. Every officer, non-commissioned officer and soldier shall return immediately to the armory or other place of deposit each article of military property of the Commonwealth issued to and received by him for use in the military service, and the possession of any article of such property by the person to whom it was issued, elsewhere than in the armory or designated place of deposit, shall be deemed and taken to be prima facie evidence of embezzlement of such article of property by the person to whom it was issued.

Soldier not to
wear uniform
except upon
duty, etc.

SECTION 78. No soldier shall wear or use, except upon military duty or by special permission of his company commander or other competent authority, any uniform or other article of military property belonging to the Commonwealth.

SECTION 79. Every officer, non-commissioned officer and soldier, to whom a uniform or other article of military property is delivered, in pursuance of the provisions hereof, shall be held personally responsible for its care, safe keeping and return; he shall use the same for military purposes only, and upon receiving a discharge or otherwise leaving the military service, or upon the demand of his commanding officer, shall forthwith surrender and deliver up the said uniform, together with all other articles of military property that may be in his possession, to the said commanding officer, in as good order and condition as the same were at the time he received the same, reasonable use and ordinary wear thereof excepted.

Responsibility for care and return of military property.

SECTION 80. Any soldier who wilfully or maliciously destroys, injures or defaces any article of military property belonging to the Commonwealth, or retains any property in violation of the provisions of the preceding sections, shall be punished by a fine not exceeding forty dollars, to be paid into the treasury of the Commonwealth, to be recovered on complaint of the officer responsible for such property, before any court having jurisdiction; and such delinquent shall be imprisoned in the house of correction until such fine is paid or he is otherwise liberated by law.

Penalty for injury to military property, etc.

SECTION 81. All commissioned officers of the volunteer militia shall exercise the strictest care and vigilance for the preservation of the uniforms, arms, equipments and military property furnished to their several commands under the provisions hereof; and in case of any loss thereof or damage thereto, by reason of the neglect or default of such officers or either of them to exercise such care and vigilance, he or they shall be liable to trial by court-martial for neglect of duty.

Commissioned officers liable to be court-martialed for damage to property, etc.

SECTION 82. Any officer receiving public property for military use shall be accountable for the articles so received by him; and he shall not transfer such property, or any portion thereof, to another, either as a loan or permanently, without the authority of the commander in chief; and he shall be liable to make good to the Commonwealth all such property defaced, injured, destroyed or lost by neglect or default on his part, and for the recovery of which he has made no reasonable effort; to be recovered in an action of tort, to be instituted by the judge advocate general at the request of the quartermaster general in the name of the Commonwealth.

Officers accountable for military property, etc.

Liability of officers upon disbandment of organization.

SECTION 83. Upon the disbandment of any organization which has received uniforms, arms, equipments or equipage from the quartermaster general, in accordance with the provisions hereof, the commissioned officers of such organizations shall be responsible for the safe return to the custody of the quartermaster general of all public property in possession of said organization; and for any loss or damage thereto compensation may be obtained from the officer receipting for such property, in the manner provided in the preceding section.

Liability to continue until notified that property accounts are correct, etc.

SECTION 84. Until an officer or his legal representative receives from the adjutant general notice that the property accounts of such officer have been examined and found correct, the liability of such officer or of his estate for public property for which he is or may have been responsible shall be in no way affected by resignation, discharge, change in official position or death. Upon the death or desertion of an officer responsible for public property his immediate commander shall at once cause the property for which such officer was responsible to be collected, and a correct inventory made by actual count and examination; which inventory shall be forwarded to the adjutant general, in order that any deficiency may be made good from the estate of the deceased or deserting officer; and compensation for such deficiency may be recovered in the manner provided in section eighty-two.

Adoption of other than prescribed uniform, etc.

SECTION 85. Any organization of the militia may, with the approval of a majority of its commissioned officers and the commander in chief, adopt any other uniform than that prescribed in section seventy-three, at their own expense; but such uniforms shall not be worn, except by permission of the commander in chief, when such organizations are on duty under his orders.

Personal property of volunteer organizations.

SECTION 86. Volunteer organizations may own and keep personal property, which shall belong to and be under the control of the active members thereof; and the commanding officer of any organization may recover for its use any debts or effects belonging to it, or damages for injury to such property; action for such recovery to be brought in the name of such commanding officer in any court having jurisdiction, in any county where such organization or part thereof is located; and no suit or complaint pending in his name shall be abated by his ceasing to be commanding officer of the organization; but

upon the motion of the commander succeeding him, such commander shall be admitted to prosecute the suit or complaint, in like manner and with like effect as if it had been originally commenced by him.

SECTION 87. The inspector general and two other officers designated by the commander in chief shall constitute a board to inspect and condemn public military property which has or may become unfit for use; and no property shall be sold until it has been inspected and condemned, as herein provided, and such condemnation approved by the commander in chief. The proceeds of all sales of condemned public property shall be paid into the treasury of the Commonwealth.

Inspection and condemnation of military property, etc

SECTION 88. The committee of the legislature on military affairs shall annually visit the arsenal, state camp ground and storehouses, and make a thorough examination into the condition of the same, of the arms and munitions of war and other property of the state or general government deposited there, and shall report the condition of the arsenal and property to the legislature for that year.

Legislative committee to annually examine arsenal, camp ground, etc.

SECTION 89. The quartermaster general, under the direction of the commander in chief, may lend the military camp equipage belonging to the state to any state encampment of posts of the grand army of the republic in this state, when it can be done without interfering with the use of said equipage by the militia. But a bond, with sufficient sureties in double the value of the equipage, shall be given in every case for its return without loss or damage; and the Commonwealth shall be subject to no expense on account of any such loan.

Camp equipage may be loaned to grand army of the republic, etc.

SECTION 90. The mayor and aldermen of cities and selectmen of towns shall provide for each regiment, battalion, corps of cadets, or portion of the volunteer militia, within the limits of their respective cities and towns, a suitable armory for the purpose of drill and for the safe keeping of the arms, equipments, uniforms and other military property furnished to such portion of the volunteer militia by the state; and shall also provide suitable grounds or places for the parade, drill and target practice of the militia belonging to their respective cities and towns. They shall also provide for the headquarters located within their limits of each brigade, regiment, separate battalion or corps of cadets, a suitable room for the keeping of books, the transaction of business and the

Cities and towns to provide armories, headquarters, etc.

instruction of officers. Necessary fuel and lights, or a reasonable allowance therefor, shall be furnished by cities and towns for each armory or headquarters located within their limits. Any city or town failing to comply with the provisions of this section shall forfeit to the use of the Commonwealth a sum not exceeding five thousand dollars, to be recovered on complaint of the attorney-general in any court of competent jurisdiction.

Penalty.

Drill halls, etc., to be provided at certain places.

SECTION 91. Where two or more companies of the same battalion are located within the limits of a city or town, the mayor and aldermen or selectmen thereof shall if practicable provide such companies with a drill hall, to be used by them in common, of capacity sufficient for battalion drill, together with a smaller room in the same building for each of said companies, suitable for company meetings and for the safe keeping of military property, as provided in the preceding section. The headquarters of each regiment, battalion and corps of cadets shall be established with said commands, or portions thereof, as far as practicable.

Money may be raised for building armories or headquarters.

SECTION 92. Cities and towns in which regiments, battalions, corps of cadets or companies, or the headquarters of brigades, regiments, battalions, corps of cadets, signal and ambulance corps, or detachments of militia are located, may raise money by taxation or otherwise for the purpose of erecting suitable buildings for the armories or headquarters of such organizations.

Location of armory, etc.

SECTION 93. When a company is formed from different places the location of its armory shall be determined by a majority of its members, subject to the approval of the adjutant general.

Armories to be used for military purposes only, unless, etc.

SECTION 94. Armories provided for the militia shall not be used for any purpose whatever other than the legitimate uses of the commands occupying them, and no commander of any regiment, battalion, corps of cadets or company shall allow the armory or armories of his command to be let for other than a proper military purpose, unless by approval of the commander in chief and intermediate commanders.

Officers to have control of armory during occupation.

SECTION 95. Every officer whose command occupies, assembles or drills in any armory, drill hall or building allowed according to law for such purpose, shall have control of such premises during the period of occupation, subject to the orders of his superior commanders; and

any person who intrudes contrary to his orders or the orders of his superior commanders, or who interrupts, molests, obstructs or insults the troops or any of them so occupying such premises, may be dealt with as prescribed in sections one hundred and eighteen and one hundred and nineteen for like offences, at the discretion of the officer in charge of the troops, or his superior commanders: *provided*, that nothing in this section shall be construed to prevent reasonable inspection of the premises by the mayor and aldermen or selectmen of a city or town, or by the owners of the premises, according to the terms which may have been specified therefor in a lease.

Penalty for molesting troops, etc.

Proviso.

SECTION 96. The mayor and aldermen of cities and selectmen of towns shall annually on the first day of October transmit to the adjutant general a return, verified by oath or affirmation of at least two of their board, showing the name of each militia organization or headquarters furnished with an armory, the amount paid or charged for the rent thereof, and that the amount charged is fair and reasonable according to the value of real estate in their place. Returns received after December first shall not be allowed.

Amount paid for rent to be certified to the adjutant general, etc.

SECTION 97. The adjutant general shall annually examine all certificates so returned to his office, institute any inquiries he deems expedient relative thereto, and, under the direction of the commander in chief, allow them, in whole or in part, to an amount not exceeding six hundred dollars for a company of artillery or cavalry, four hundred dollars for a company of infantry or a company of the naval brigade, and pro rata for signal and ambulance corps, and not exceeding two hundred dollars for each brigade, regimental or separate battalion headquarters. The amount to be allowed to a corps of cadets shall be determined by the commander in chief, not exceeding the allowance which would be made in the aggregate to a battalion of four companies and the headquarters thereof. The adjutant general shall, after such examination, and not later than the fifteenth day of December of each year, file in the office of the auditor his certificate, stating the sums allowed, the name of the command for whose use each sum is allowed, and the place to which it belongs; and shall thereupon notify the mayor, aldermen or selectmen of the sum allowed to their place; which sum shall be paid, upon the warrant of the governor, to such mayor and aldermen or selectmen.

Claims for rent, auditing, allowance, etc.

Volunteer militia to be ordered out in case of invasion or insurrection.

SECTION 98. When an invasion of, or insurrection in, the state is made or threatened, the commander in chief shall call upon the volunteer militia to repel or suppress the same. If such invasion or insurrection or imminent danger thereof, in any part of the state, is so sudden that the commander in chief cannot be informed and his orders received and executed in season to resist or suppress the same, a brigade commander in such part of the state may order out his brigade, or any part thereof, as the commander in chief might do.

Troops may be ordered out in case of riot or tumult.

SECTION 99. When there is in any city or town a tumult, riot, mob or a body of men acting together by force, with attempt to commit a felony, or to offer violence to persons or property, or by force and violence to break and resist the laws of the Commonwealth; or when such tumult, riot or mob is threatened, and the fact is made to appear to the commander in chief, the sheriff of the county, the mayor of the city or the selectmen of the town, the commander in chief may issue his order, or such sheriff, mayor or selectmen may issue a precept, directed to any commander of a brigade, regiment, battalion, corps of cadets or company, within the limits of their jurisdiction, directing him to order his command, or a part thereof, to appear at a time and place therein specified, to aid the civil authority in suppressing such violence and supporting the laws; which precept shall be in substance as follows:—

Form of precept. ———, SS.

COMMONWEALTH OF MASSACHUSETTS.

L. S.

To [insert the officer's title] *A. B.*, commanding [insert his command].

Whereas, it has been made to appear to [the sheriff, mayor or the selectmen, as the case may be] of the [county, city or town] of _____, that [here state one or more of the causes above-mentioned] in our _____ of _____, and that military force is necessary to aid the civil authority in suppressing the same: Now, therefore, we command you that you cause [your command, or such part thereof as may be desired], armed and equipped with ammunition and with proper officers, to parade at _____, on _____, then and there to obey such orders as may be given according to law. Hereof fail not at your peril, and have you there this precept with your doings returned thereon.

This precept shall be signed and properly attested as the act of such sheriff, mayor or selectmen, and shall be under seal, and may be varied to suit the circumstances of the case; and a copy of the same shall be immediately forwarded to the commander in chief.

SECTION 100. The officer to whom the order of the commander in chief or brigade commander, or such precept, is directed shall forthwith order the troops therein called for to parade at the time and place appointed, and shall immediately notify the commander in chief of such order, directly, in the most expeditious manner and by letter, through the usual military channels.

Officer to order troops to parade, etc.

SECTION 101. If an officer, ordered as in the preceding section, refuses or neglects to obey such order or precept, or if any officer or soldier neglects or refuses to obey an order issued in pursuance thereof, he shall be punished as a court-martial may adjudge.

Penalty on officer for neglect, etc.

SECTION 102. Such troops shall appear at the time and place appointed, armed, equipped and with ball ammunition, and shall obey and execute such orders as they may then and there receive, according to law.

Troops to appear armed, equipped, etc.

SECTION 103. If a company without officers is ordered to march, or if a detachment is ordered therefrom, the commander of the regiment or battalion shall detail an officer to command, who shall have the same authority to order them to appear, to command them in the field or to make a draft or detachment therefrom, as the captain of such company would have, and shall be under the same responsibility.

Officer may be detailed to command company, detachment, etc.

SECTION 104. The mayor and aldermen of a city and the selectmen of a town to which men so ordered out, detached or drafted belong, when required in writing by a commander of a regiment or detachment, shall provide carriages to attend them with further supplies of provisions and to carry necessary baggage, and provide necessary camp equipage and utensils, until notified by the commanding officer to desist; and shall present their accounts for the same to the quartermaster general. For any neglect by such mayor and aldermen or selectmen, under this section, such city or town shall forfeit to the use of the Commonwealth not less than twenty nor more than five hundred dollars.

Carriages, supplies, etc., to be provided, etc.

SECTION 105. When the entire volunteer militia has been called out under sections ninety-eight and ninety-nine, and a still further force is required, it shall be taken from the enrolled militia, as provided in section nine.

Penalty.

Additional force to be taken from enrolled militia.

SECTION 106. Each regiment, separate battalion, corps of cadets and unattached company of the volunteer militia shall parade for instruction one day in each year, at such

Annual parade for drill and inspection.

time and place as the commander in chief may designate. The inspector general, his assistants, or such other officers as the commander in chief shall indicate, shall attend such tours of duty and report upon the proficiency of the troops; such report to be made to the commander in chief, in writing, within thirty days from the date thereof.

Encampment
for five days.

SECTION 107. The volunteer militia shall perform not less than five consecutive days of camp duty in each year, at such time and place as the commander in chief shall designate.

Encampments to
be held at state
camp ground,
unless, etc.

SECTION 108. All encampments shall be held upon the state camp ground, unless otherwise directed by the commander in chief; and no ground shall be occupied for an encampment of the militia in time of peace without the consent of the selectmen of the town or mayor and aldermen of the city where the encampment is to be made, unless by order of the commander in chief; such ground to be paid for by the state on contracts to be approved by the adjutant general.

Camp duty;
inspector gen-
eral, report, etc.

SECTION 109. At each encampment the troops shall be thoroughly exercised in the routine of camp duty. The inspector general and such assistants as may be detailed shall be present at these encampments, and the inspector general shall report in regard to numbers, discipline and other matters affecting the character or efficiency of the organizations; such reports to be forwarded to the commander in chief within thirty days from date of encampment.

Judge advocate,
attendance and
jurisdiction at
encampment.

SECTION 110. The judge advocate general or a judge advocate may be detailed by the commander in chief to attend any encampment, and shall have during the encampment, within the limits of the camp and for a distance of one mile from the guard line, the jurisdiction of a municipal court over all offences then and there committed.

Notice for
appearance for
duty.

SECTION 111. For the duty required at drills under section one hundred and six, and at camp under section one hundred and seven, no notice shall be considered as legal unless the same shall have been given to each person verbally, or by delivery to him in person, or leaving at his usual place of business or abode the order for such duty, at least four days previous to the time appointed.

Orders may be
delivered by
enlisted men.

SECTION 112. Commanders of regiments, battalions of artillery and cavalry, the naval brigade and corps of

cadets or companies may direct such orders to be delivered by one or more of the enlisted men of their command.

SECTION 113. Brigade commanders may call meetings of their staff officers, the field officers, adjutants and captains of unattached companies of their commands, at some convenient place within the limits of their brigades, or at such place as the commander in chief may designate, six times in each year, for instruction. Commanders of regiments, battalions and corps of cadets may in like manner call similar meetings of the officers of their respective commands six times each year; but nothing in this chapter shall be construed as allowing any compensation for attendance at such meetings. When such meetings are authorized the quartermaster general shall provide for all officers attending such meetings the necessary transportation, at rates established by law, when the distance travelled exceeds five miles. At the discretion of the commander in chief a school for officers may be established in any portion of the state, under such rules and regulations as he may deem proper.

Meetings of officers.

Transportation.

School for officers.

SECTION 114. The commander in chief may order out any portion of the militia for escort and other duties, and may authorize the use of mounted bands.

Escort duty, mounted bands.

SECTION 115. The commander of any regiment, battalions of artillery and cavalry, the naval brigade or corps of cadets may at any time assemble the companies, or the officers of his command, for instruction; and commanders of brigades, regiments, battalions and corps of cadets may order company inspections in the evening at the several company armories, whenever the good of the service may demand.

Companies or officers may be assembled for instruction or inspection.

SECTION 116. Every company shall drill at least twice in each month. Battalion drills may count in the place of company drills. Nothing in this section shall prevent commanding officers ordering drills more frequently. Battalions of infantry regiments may be assembled without pay twice each year, by order of the commander in chief, for instruction. Transportation shall be furnished by the quartermaster general.

Company and battalion drills.

Transportation.

SECTION 117. No parade or voluntary service shall be performed by any company, under arms or with state uniform, without the approval of the regimental or separate battalion commander, or, if unattached, of its next superior.

Voluntary parades.

Bounds of
parades or
encampment.

Punishment for
intrusion, etc.

Penalty for
molesting, in-
sulting, etc.,
troops on duty.

Right of way of
troops on duty.

SECTION 118. Every commanding officer, when on duty, may ascertain and fix necessary bounds and limits to his parade or encampment, not including a road so as to prevent passing, within which no spectator shall enter without leave from such commanding officer. Whoever intrudes within the limits of the parade or encampment, after being forbidden, may be confined under guard during the time of parade or encampment, or a shorter time, at the discretion of the commanding officer; and whoever resists a sentry who attempts to put him or keep him out of such limits may be arrested by order of the commanding officer and carried before the judge advocate general or a judge advocate on duty at the encampment, as provided in section one hundred and ten, or other court of justice having jurisdiction of the place, to be examined or tried upon complaint of the commanding officer for such assault or disturbance or breach of the peace.

SECTION 119. If any person interrupts or molests or insults, by abusive words or behavior, or obstructs any officer or soldier while on duty or at any parade, drill or meeting for military improvement, he may be put immediately under guard and kept at the discretion of the commanding officer of the brigade, regiment, battalion, corps, company or detachment, as the case may be, until the duty, drill, parade or meeting is concluded; and such commanding officer may turn over such person to any police officer or constable of the city or town wherein such duty, parade, drill or meeting is held; and said police officer or constable shall detain him in custody for examination or trial before a court of justice or trial justice having jurisdiction of the place; and any person found guilty of either of the offences enumerated in this section, or in sections ninety-five and one hundred and eighteen, or of obstructing or interfering with United States forces or troops or any portion of the militia in the exercise or enjoyment of the right of way granted by section one hundred and twenty, shall be punished by imprisonment in the jail or house of correction not exceeding six months, or by fine not exceeding one hundred dollars.

SECTION 120. United States forces or troops, or any portion of the militia parading or performing any duty according to law, shall have the right of way in any street or highway through which they may pass, provided the carriage of the United States mails, the legitimate func-

tions of the police, and the progress and operations of fire engines and fire departments shall not be interfered with thereby.

SECTION 121. Any soldier guilty of a military offence may be put and kept under guard by the commander of the company, corps, battalion or regiment, or of the field, for a time not extending beyond the term of service for which he is then ordered.

Soldiers may be put under guard for a military offence.

SECTION 122. No officer or soldier in the volunteer militia shall receive the compensation provided in this chapter unless he personally performs the duties required by law; and no substitute shall be allowed compensation for service belonging to another to perform; nor shall excuses granted for absence from or non-performance of military duty entitle the person excused to receive such compensation.

Personal services necessary for receipt of compensation, etc.

SECTION 123. No officer or soldier shall be holden to perform military duty except in case of invasion, insurrection, riot or tumult, made or threatened, or in obedience to the commander in chief, on a day appointed in the city or town in which he resides, for the election of governor, lieutenant governor, electors of president and vice president of the United States, or representatives to congress or to the general court; and an officer parading his command, or ordering it to parade, contrary to the provisions of this section, shall be liable to trial by court-martial.

Militia not held for duty on election day except in case of riot, etc.

SECTION 124. No body of men whatsoever, other than the regularly organized corps of the militia, the troops of the United States, the ancient and honorable artillery company, the veteran artillery association of Newburyport, the veteran cadet association of Salem, the veteran association of the independent corps of cadets of Boston, the Salem light infantry veteran association, the veteran artillery association of Amesbury and Salisbury, and the Boston light infantry association, shall associate themselves together at any time as a company or organization, for drill or parade with firearms, or maintain an armory in any city or town of this Commonwealth; nor shall any city or town raise or appropriate any money toward arming, equipping, uniforming or in any way supporting, sustaining or providing drill rooms or armories for any such body of men: *provided*, that associations wholly composed of soldiers honorably discharged from the ser-

Drilling, parading, etc., with arms of associations other than the militia.

Associations of soldiers, etc.

Students in certain educational institutions.

Parading with side arms.

Penalty for parading contrary to law, etc.

Excuse from duty on physician's certificate of disability.

Excuse for absence from camp duty, drills and inspections.

Compensation of officers and soldiers.

vice of the United States may parade in public with arms, upon the reception of any regiments or companies of soldiers returning from said service, and for the purpose of escort duty at the burial of deceased soldiers, having first obtained the written permission so to do of the mayor and aldermen of the cities or selectmen of the towns in which they desire to parade; and *provided, further*, that students in educational institutions where military science is a prescribed part of the course of instruction may, with the consent of the governor, drill and parade with firearms in public, under the superintendence of their teachers, and *provided, further*, that this section shall not be construed to prevent any organization heretofore authorized thereto by law from parading with side arms.

SECTION 125. Whoever offends against the provisions of the preceding section, or belongs to or parades with any such unauthorized body of men with arms, shall be punished by a fine not exceeding fifty dollars or by imprisonment in the house of correction or common jail for a term not exceeding six months, or both.

SECTION 126. No officer or soldier of the volunteer militia not on leave of absence or furlough shall be excused from duty in time of insurrection, invasion or disturbance of the peace, as provided in sections ninety-eight and ninety-nine, except upon physician's certificate of disability. If such officer or soldier fails to furnish his commanding officer such certificate he shall be tried by court-martial for desertion, or absence without leave, as the case may be; and no such excuse shall avail such officer or soldier unless the delinquent satisfies the tribunal before which he is tried that it was not in his power to make such excuse. For absence from camp duty, annual drill and from drills, excuses may be presented to commanding officers of regiments, battalions or corps of cadets, and by them allowed upon good and sufficient grounds, or according to the rules adopted therefor, as prescribed in by-laws adopted under section one hundred and forty-seven; and delinquents who do not submit to fines shall be tried as herein prescribed. Certificates of disability and excuses of soldiers of unattached companies shall in like manner be presented to their brigade commanders, and may be by them allowed.

SECTION 127. There shall be allowed and paid to officers and soldiers of the volunteer militia, on rolls and

accounts in such form as the commander in chief may prescribe, as follows, to wit: For the duty prescribed in sections ninety-eight, ninety-nine, one hundred and six, one hundred and seven and one hundred and fourteen, commissioned officers shall be allowed and paid the same pay per diem as is prescribed for officers of like grade in the United States army, viz.: Brigadier general, fifteen dollars and twenty-eight cents; colonel, nine dollars and seventy-three cents; lieutenant colonel, eight dollars and thirty-three cents; major, six dollars and ninety-five cents; captain, mounted, five dollars and fifty-five cents; captain, not mounted, five dollars; adjutant, quartermaster, assistant surgeon, paymaster, and inspector of rifle practice, five dollars; first lieutenant, mounted, four dollars and seventy-five cents; first lieutenant, not mounted, four dollars and seventeen cents; second lieutenant, mounted, four dollars and seventeen cents; second lieutenant, not mounted, three dollars and eighty-nine cents; chaplain, four dollars and seventeen cents; non-commissioned staff officers, two dollars and fifty cents; every member of a band, four dollars; and every other enlisted man, two dollars. And it is further provided that the commander in chief at his discretion may order rations issued to troops on duty, and the cost of the same shall be deducted from the pay of troops. And there shall be allowed for each horse actually employed by officers and soldiers authorized by law to be mounted and for each draft horse employed in the artillery, the sum of four dollars per day, which shall be in full for all keeping and forage. For all other duty under orders of the commander in chief, unless otherwise specially provided, or as a witness or defendant under summons, as provided in section one hundred and forty-one, there shall be allowed and paid to all officers above the rank of captain, the sum of four dollars; to every other commissioned officer, the sum of two dollars and fifty cents; to every member of a band, the sum of four dollars; and to every other enlisted man, the sum of two dollars per day. To each assistant adjutant general of brigade there shall be allowed and paid the sum of twenty dollars per annum; to each adjutant, the sum of fifty dollars per annum; and to each paymaster, the sum of twelve dollars and fifty cents per annum, for each company in the command to which he is attached. There shall be allowed and paid to each chief

Compensation
of officers and
soldiers.

Compensation
of officers and
soldiers.

bugler and bugler and drummer of the volunteer militia, on rolls and accounts in such form as the commander in chief may prescribe, for the duty required in sections ninety-eight, ninety-nine, one hundred and six, one hundred and seven and one hundred and fourteen, the sum of three dollars and fifty cents per day; and the chief bugler shall be mounted and shall be allowed four dollars per day for his horse, which shall be in full for all keeping and forage. Colonels and battalion commanders of artillery and cavalry, the naval brigade and naval battalions and cadet corps may visit the companies in their commands six times each year; lieutenant colonels, majors and adjutants, such companies as they are ordered to visit by regimental or battalion commanders, six times each year; inspectors of rifle practice may visit the companies in their respective organizations when ordered so to do, three times each year; assistant inspector generals of brigades, when ordered so to do by their commanding officers, may visit each company in their brigade once in each year, for which mileage at the rate of four cents per mile each way, the distance to be computed by line of the most direct railway communication from the residence of the officer, shall be allowed on receipt of returns therefor. Any officer or enlisted man in the militia service on the first day of January in the year eighteen hundred and ninety-one, who had rendered nine years' honorable service, and any officer or enlisted man thereafter completing a like service, shall be allowed a medal, and for each additional five years' like service theretofore or thereafter rendered he shall be allowed a bar or clasp.

Allowance for
travel.

SECTION 128. There shall be allowed and paid to each officer and soldier obliged to travel on duty, as follows, to wit: When upon duty required or performed under sections ninety-eight, ninety-nine, one hundred and six, one hundred and seven and one hundred and fourteen, two cents per mile each way, the distance to be computed by the line of the most direct railroad communication from the place in which the headquarters of the various commands and the armories of the companies are situated. When upon duty as a member or judge advocate of any military court or board, or as a witness or defendant before such court or board; when appearing before the board of examiners provided in section fifty-three; when attending meetings of officers, as provided in section one

hundred and thirteen; when acting as the presiding officer at an election, as an elector at the election of a general or field officer, or as a paymaster; or in any case when obliged by orders of the commander in chief to travel without troops, — four cents per mile each way, the distance to be computed by the line of most direct railroad communication from the residence of the officer or soldier. There shall be allowed and paid for the care of and responsibility for military property of the Commonwealth in their charge, to each cadet corps commander and each company commander in the volunteer militia, the sum of fifty dollars; to each commander of a company of artillery one hundred dollars; twenty-five dollars to each regimental commander; to each signal corps commander the sum of twenty-five dollars, and to each ambulance corps commander the sum of fifteen dollars per annum; from which the adjutant general may deduct the cost of all articles lost by neglect or losses unsatisfactorily explained, before certification to the auditor for payment. Inspecting officers when on duty in armories, under orders of the commander in chief, shall receive such pay and allowances as are provided for officers on special duty.

Allowance for care and responsibility for military property.

SECTION 129. The following officers and soldiers, and none other, are entitled to be mounted: Every general, field and staff officer, every officer of cavalry, artillery, signal and ambulance corps, every brigade, cavalry and artillery non-commissioned staff officer, every enlisted man of cavalry, and the sergeants, except the stable sergeant, the guidon corporal and buglers of light artillery, the chief bugler and orderly of infantry regiments; one horse only shall be allowed to each of the above-mentioned officers and soldiers; and there shall be allowed thirty-two draft horses to each battery of light artillery of four guns; to each battery of light artillery of more than four guns there shall be allowed for each additional gun eight draft horses. No horses shall be allowed for members of bands except by special orders of the commander in chief. Officers detailed as battalion adjutants of regiments shall be allowed a horse and equipments for ordered duty.

Officers and soldiers entitled to be mounted.

SECTION 130. Mounted officers and enlisted men, when ordered by the commander in chief to transport their horses, shall be allowed the actual cost of such transportation from the nearest point of departure from the place where the several headquarters or the armories of the companies to which they belong are situated.

Transportation of horses.

No allowance
for transporta-
tion not actually
employed.

SECTION 131. No allowance shall at any time be made for transportation not actually employed nor to officers or enlisted men when transported by means of horses provided by the state.

Forage and
subsistence.

SECTION 132. Forage and subsistence shall be furnished in kind by the quartermaster and commissary general, when troops are on duty under sections ninety-eight and ninety-nine, and when practicable, transportation in kind shall be furnished by the quartermaster general in lieu of the money allowances hereinbefore provided.

Postage, station-
ery and office
incidentals.

SECTION 133. There shall be allowed annually for postage, stationery and office incidentals: To each brigade headquarters, ten dollars for each regiment, battalion, unattached company, signal and ambulance corps in such brigade; to each regimental and separate battalion headquarters, ten dollars for each company in such regiment or battalion; to each corps of cadets, twenty-five dollars; and to each company, signal and ambulance corps, ten dollars.

Travel and
attendance at
courts-martial.

SECTION 134. There shall be allowed and paid to each person, not in the military service of the Commonwealth, appearing before courts of inquiry or courts-martial under summons of the president or judge advocate thereof, one dollar and fifty cents for each day's attendance and four cents for each mile necessarily travelled in obedience to such summons.

Courts of
inquiry.

SECTION 135. Courts of inquiry may be instituted by the commander in chief for the purpose of investigating the conduct of any officer, either by his own solicitation or on a complaint or charge of improper conduct, degrading to the character of an officer; but no such court shall consist of more than three officers, who may, with the approval of the commander in chief, require a judge advocate to attend such court in taking testimony and investigating any complaint that may come before it.

Report to and
action of com-
mander in chief.

SECTION 136. Such court of inquiry shall without delay report to the commander in chief a statement of facts and, when required, the evidence adduced and opinion thereon; and the commander in chief may, in his discretion, thereupon order a court-martial for the trial of the officer whose conduct has been inquired into, or may discharge such officer, as provided in section sixty-three.

General courts-
martial for trial

SECTION 137. General courts-martial for the trial of

commissioned officers shall be ordered by the commander in chief at such times as the interests of the service may require, and shall consist of not less than three nor more than seven officers, none of whom shall be of less rank than the accused.

of commissioned officers.

SECTION 138. For the trial of non-commissioned officers, musicians and privates, the commanding officer of each brigade shall, at such times as may be necessary, appoint a battalion or regimental court-martial for any regiment, battalion or unattached company in his brigade; in like manner the commander in chief shall make orders for the corps of cadets. Such court shall consist of one officer of the line whose rank is not below that of major. Such court, unless otherwise directed by the commander in chief, shall be held at the armory of the company, or, in case of a non-commissioned staff officer, at the headquarters of the battalion, corps of cadets, regiment or brigade to which the accused belongs, and, subject to the approval of the officer ordering the court, may sentence to be reprimanded in company, corps, battalion or regimental orders, or, in case of a company non-commissioned officer, to be reduced to the ranks; and such court may, with the approval of the commander in chief, sentence to be reprimanded in brigade orders or in orders from general headquarters, to be dishonorably discharged, or to be discharged and disqualified from holding office in the militia of the Commonwealth.

Trial of enlisted men.

SECTION 139. In all general, regimental or battalion courts-martial the arraignment of the accused, the proceedings, trial and record shall in all respects conform to the regulations established for the government of the militia of the Commonwealth; and the sentences of such courts shall be in accordance with the nature and degree of the offence and according to established military usage, but shall not extend further in time of peace than dismissing or discharging the officer or soldier and disqualifying him from holding any office in the militia of this Commonwealth.

Proceedings, trial, record and sentence.

SECTION 140. The proceedings and sentence of every court-martial shall without delay be forwarded to the officer competent to review the same, who shall approve or disapprove of such proceedings and sentence within fifteen days thereafter; but nothing in this section shall be construed to limit the power of the reviewing officer

Report to and action of reviewing officer.

Records of
courts of in-
quiry and
courts-martial.

to mitigate or commute the sentence of such court. A roll of the officers of the court and of the accused or charged persons and witnesses appearing before it, with the residence and number of days' attendance of each, shall constitute a part of the record of every court of inquiry or court-martial.

President and
judge advocate
may summon
witnesses and
administer
oaths.

SECTION 141. The president of every court-martial or court of inquiry, and also the judge advocate, may administer the usual oath to witnesses, and may issue summonses for the accused and all witnesses whose attendance at such court may in his opinion be necessary in behalf of the Commonwealth, and also on application, for all witnesses in behalf of the accused or charged officer or soldier; and he may direct the commanding officer of any company to cause such summonses to be served on any person who may be a member of his company, or may direct the commanding officer of any brigade, regiment, separate battalion or corps of cadets to serve such summonses on any person who may be a commissioned or non-commissioned officer of his staff.

Penalty for fail-
ing to serve
summons, non-
appearance, etc.

SECTION 142. Any officer or soldier failing to serve such summons, and any witness failing to appear when so summoned, and not having a sufficient or reasonable excuse, shall be liable to trial by court-martial as for disobedience of orders, or may be compelled to appear as provided by chapter one hundred and ninety-five of the acts of the year eighteen hundred and eighty-three.

Offences for
which commis-
sioned officers
may be tried by
court-martial.

SECTION 143. Every commissioned officer may be tried by court-martial, for the following offences: For unmilitary or unofficerlike conduct; for drunkenness on duty; for neglect of duty; for disobedience of orders, or an act contrary to the provisions of this chapter, or to the provisions of the regulations for the government of the militia; for oppression or injury of any under his command; for a combination or attempt to break, resist or evade the laws or lawful orders given to a person, or advising any person so to do; for insult to a superior officer in the line of military duty; for presuming to exercise his command while under arrest or suspension; for neglect or refusal, when commanding officer, to order out the troops under his command when required by law or ordered by his superior officer; for neglect or refusal to make a draft or detachment when legally ordered to do so; for parading the troops under his command on days

of election contrary to law ; for receiving any fee or gratuity as a medical officer for a certificate of inability to do military duty ; for neglect, when detailed to train and discipline a company, to make complaint for neglect or violation of duty as provided by law, or for any other neglect for which a commanding officer of the company would be liable ; for neglect or refusal to march or to make a draft, or for disobedience to an order in case of rebellion or insurrection, as provided by law ; for refusal or neglect to obey a precept or order to call out the militia or an order issued in obedience thereto, or for advising any officer or soldier to do the like ; for making a false certificate, account or muster ; or for conduct unbecoming an officer and gentleman, or to the prejudice of good order and military discipline.

SECTION 144. Any enlisted man may be tried by court-martial, — For disobedience of orders, or an act contrary to the provisions of this chapter, or the provisions of the regulations for the government of the militia, or to the by-laws of the organization to which he belongs ; for disrespect to his superiors ; for mutiny ; for neglect of duty ; or for drunkenness on duty.

Offences for which enlisted men may be tried by court-martial.

SECTION 145. No officer or soldier shall be tried by court-martial for any offence which shall appear to have been committed more than two years before the issuing of the order for such trial unless the person, by reason of having absented himself from the state or some other impediment, shall not have been amenable to justice within that period.

Not to be tried for offence committed more than two years before, unless, etc.

SECTION 146. When any portion of the military forces of the Commonwealth is ordered by the commander in chief to assemble for the purpose of suppressing any riot, insurrection, invasion, or in time of public danger, the rules and articles of war and general regulations for the government of the army of the United States, so far as they are applicable and with such modifications as the commander in chief may prescribe, shall be considered in force and regarded as part thereof, during the continuance of such service ; but no punishment under such rules and articles which extends to the taking of life shall in any case be inflicted, except in time of actual war, invasion or insurrection, declared by proclamation of the governor to exist, and then only after the approval of the commander in chief of the sentence inflicting such punishment.

When in service to suppress riots, etc., articles of war to apply, etc.

Constitutional
articles of
agreement or
by-laws of
organizations.

SECTION 147. Companies, corps of cadets, separate battalions or regiments, may adopt constitutional articles of agreement or by-laws, subject to the approval of the commander in chief, for the government of matters relating to the interior economy of their respective organizations, the regulation of fines for non-performance of duty, and the determination of causes upon which excuses from fines may be based: *provided*, that such articles or rules shall not be repugnant to law or the regulations for the government of the militia. These articles of agreement or by-laws for unattached companies, signal and ambulance corps shall be approved by brigade commanders; all others by their respective regimental commanders or battalion commanders of artillery and cavalry, the naval brigade and corps of cadets. The books of the treasurer and other books of any command shall at any time be examined by inspecting officers when on duty as such, and shall be subject to the action of the commander in chief on receipt of the report of such examination. All organizations of the militia shall be supplied by the quartermaster general with a company fund book; and the commander in chief shall prescribe the manner of keeping and auditing the same.

Books, keeping,
auditing, in-
spection, etc.

Fines.

SECTION 148. When regiments, battalions, corps of cadets or companies establish in their constitutional articles of agreement or by-laws the amounts which may be collected as fines from officers and soldiers of the volunteer militia for the non-performance of duty, such fines shall not exceed the amounts named as follows: For each day's absence from camp or annual drill, five dollars; for each day's absence from special duty, when ordered by the commander in chief, or from any parade ordered by the commanding officer of a regiment, battalion, corps of cadets, unattached company, signal or ambulance corps, three dollars; for each absence from company or battalion drill, or meeting of officers or non-commissioned officers ordered for the purpose of instruction, inspection, or from an election, one dollar. Money charged to an officer or soldier of the volunteer militia, under the provisions of this chapter and the by-laws provided for the organization of which he is or may have been a member, shall constitute a simple contract debt against him, and may be recovered upon suit brought in the name of the officer commanding such organization at the time of bringing the

Money charged
to an officer.

action, and prosecuted in accordance with the law of this Commonwealth for the recovery of such debts in any court of competent jurisdiction. Want of consideration, or the fact that the defendant is or was a member of the same organization as the plaintiff, shall not be defences in such suit, and the prevailing party shall have his costs without regard to the amount recovered. This remedy shall be in addition to those named in section one hundred and thirty-eight.

SECTION 149. The commander in chief may make and publish regulations for the government of the militia in accordance with existing laws. No copies of law or regulations shall be published without an index which shall adequately cover every subject mentioned in said law or regulations. Regulations.

SECTION 150. The system of discipline and field exercise ordered to be observed by the army of the United States, or such other system as may hereafter be directed for the militia by the laws of the United States, shall be observed by the militia. United States system of discipline, etc., to be observed.

SECTION 151. No officer or soldier shall be liable to jury duty while in the active militia service; and any officer or soldier who has served continuously and faithfully for nine years in the volunteer militia shall be exempt for life thereafter from the performance of jury duty. Exemption from jury duty.

SECTION 152. No officer or soldier shall be arrested on civil process while going to, remaining at or returning from, a place where he is ordered to attend for election of officers or military duty. Not to be arrested on civil process while on duty.

SECTION 153. If an officer or soldier is wounded or otherwise disabled, or is killed or dies of wounds received while doing military duty according to law, in case of invasion, insurrection or disturbance of the peace, he, his widow or children, shall receive from the general court just and reasonable relief. Relief for injuries received in service.

SECTION 154. All military accounts unless it is otherwise specially provided by law shall annually, on or before the fifteenth day of December, be transmitted to the adjutant general and examined, and if found correct certified by him. They shall then, unless it is otherwise specially provided by law, be presented to the state auditor for allowance, and, upon such allowance, certified by him to the governor, shall be paid to the persons to Military accounts to be transmitted to adjutant general, etc.

whom they are personally due, or to their order, at the treasury of the Commonwealth; and no military account shall be certified by the adjutant general or allowed by the auditor unless presented to the adjutant general for allowance within the time prescribed in this section.

Paymasters' vouchers and accounts, filing, auditing, etc.

SECTION 155. Paymasters shall take proper vouchers in duplicate for the payment of all moneys, and immediately after the payment of troops shall file with the treasurer of the Commonwealth an account of their payments, with the duplicates of their vouchers; and such accounts shall be audited by the state auditor, and the several paymasters held to account for any and all discrepancies which may be found to exist.

Paymasters' bonds.

SECTION 156. Each paymaster shall give bond in the penal sum of ten thousand dollars, with two sureties at least, to be approved by the governor and council, and conditioned faithfully to discharge the duties of his office.

Certain officers may be required to give bond.

SECTION 157. Any officer to whom any public military property is at any time issued may be required to give bond, with two sureties, satisfactory to the governor and council, conditioned faithfully to discharge the duties of his office; to use all necessary care in the safe keeping of military stores and property committed to his custody; to account for the same, and deliver over to his successor or to any other person authorized to receive the same all such military property.

Rolls of officers and men to be forwarded to adjutant general, etc.

SECTION 158. Rolls of the volunteer militia, showing the names of all general, field, staff and non-commissioned staff officers, and the names of all company officers and enlisted men in the service, shall be made on the first of June in each year and shall be forwarded to the adjutant general within twenty days thereafter; those for companies shall be prepared by the respective company commanders, and all others by direction of the commanding officers of the several organizations. A sworn copy of such rolls shall be furnished by the commanding officers of companies and such other organizations, to the mayor and aldermen of the city or selectmen of the town in which such companies or organizations are located, for the purposes set forth in section one hundred and fifty-one. The clerk of the ancient and honorable artillery company shall furnish annually, as provided herein, to the mayor and aldermen of the city of Boston, sworn rolls of all active members belonging to the company.

Sworn copies to be furnished to city and town officers, etc.

SECTION 159. General and field officers, paymasters, the judge advocate general and all judge advocates may administer the oaths required in this chapter, except as provided in section fifty-three, and also such oaths as may be required by the regulations for the government of the militia.

Administration of oaths.

SECTION 160. Mustering officers of corps of cadets, holding the rank of captain on the sixteenth day of May in the year eighteen hundred and seventy-eight, shall not by virtue hereof be reduced in rank.

Mustering officers of cadets.

SECTION 161. Nothing contained in this act shall be construed as affecting the right of the ancient and honorable artillery company to maintain its organization as a military company, according to ancient usage and agreeably to the provisions of its constitution and by-laws, provided the same are not repugnant to the laws of this Commonwealth or do not restrain the lawful parade or exercise of the active militia.

Rights of the ancient and honorable artillery.

SECTION 162. In this chapter the word "soldier", shall include musicians and all persons in the volunteer or enrolled militia, except commissioned officers; and the word "company", shall include battery, signal and ambulance corps.

Construing of the words "soldier" and "company."

SECTION 163. Civil officers named in this chapter, who neglect or refuse to obey its provisions, shall, except as otherwise specially provided, forfeit not less than twenty nor more than five hundred dollars for each offence.

Penalty on civil officers for neglect or refusal.

SECTION 164. An officer of the volunteer militia shall on vacating an office turn over to his immediate successor or other officer designated by the commander in chief, all records, reports and military property in his possession belonging or pertaining in any way to such office.

Officer to turn over property and records to successor, etc.

SECTION 165. No organization of the militia shall be liable to be ordered without the limits of the state, and no military organization shall leave the state, for any period or purpose whatever, with public military property in its possession, or to be used by it, without the consent of the commander in chief. Any organization disobeying the provisions of this section shall forthwith be disbanded by the commander in chief, and its officers and members be liable to trial by court-martial for disobedience of orders.

Troops not to leave the state without consent of commander in chief.

Penalty.

SECTION 166. The militia when in the service of the United States, if paid by the Commonwealth, shall receive

Pay, etc., of militia in service, etc.

the same pay and allowances as the regular troops of the United States; and the rations when commuted shall be valued at the rate fixed by the regulations of the United States army in force at the time. When the militia are discharged from such service they shall be allowed pay and rations to their respective homes.

Repeal.

SECTION 167. Chapter four hundred and eleven of the acts of the year eighteen hundred and eighty-seven and all other acts or parts of acts, excepting chapter sixty-seven of the resolves of the year eighteen hundred and ninety, inconsistent with this act, are hereby repealed.

SECTION 168. This act shall take effect upon its passage.

Approved May 19, 1893.

Chap. 368 AN ACT TO PROVIDE FOR THE RELOCATION AND WIDENING OF THE OLD BRIDGE OVER THE ACUSHNET RIVER BETWEEN THE CITY OF NEW BEDFORD AND THE TOWN OF FAIRHAVEN.

Be it enacted, etc., as follows:

Relocation and widening of bridge over Fish island and Pope's island.

SECTION 1. The county commissioners of the county of Bristol are hereby authorized and directed to widen the bridge between the city of New Bedford and the town of Fairhaven, which leads over the islands known as Fish island and Pope's island, or to make such changes in the location of the present bridge and the approaches and any way leading thereto, or any part thereof, as in the judgment of said commissioners the public necessity and convenience may require. In any such new location so made the said commissioners may reconstruct the present bridge and approaches or way, or may construct a new bridge and approaches and way, with a width, in either case, not exceeding one hundred feet; the expense of constructing said bridge, outside of the approaches and way thereto on the New Bedford side, shall not exceed two hundred thousand dollars: *provided*, that any change in the location of said bridge, its approaches and way, shall not be located farther north than the north line of North street, nor farther south than the south line of Middle street, in said New Bedford; and *provided, further*, that said county commissioners shall have the right to remove any portion of the present bridge structure within tide water, not needed to be retained in the new construction, and the expense of such removal shall be included in the expenses of constructing the work authorized hereunder.

Provisos.

SECTION 2. All the right, title and interest of the Commonwealth or of the public in and to so much of the said existing old bridge, the approaches thereto and the materials of which it is composed, as shall not be included within any new location, are hereby transferred, so far as they exist within the present limits of the city of New Bedford, to the city of New Bedford. Said city and its assigns may also continue to cover with the present solid structure and pile structure, and to use for any lawful purposes, without compensation therefor, so much of the tide waters of the Commonwealth as lie within the limits of said New Bedford and within the harbor lines now established by law, as are covered by the present bridge and its approaches, and are not included in the new location thereof which may be made hereunder.

City of New Bedford may have and exercise certain rights, powers, etc.

SECTION 3. In the exercise of the powers granted by this act said commissioners shall be subject to the provisions of chapter nineteen of the Public Statutes and all other general laws applicable thereto.

Provisions of law to apply.

SECTION 4. The said county commissioners are hereby authorized to take and appropriate, for the purpose of constructing said highway bridge and approaches, the private property of any person, persons or corporations, and, upon such taking upon due notice and hearing, estimate and award damages to the owner or owners thereof, and shall forthwith file in the registry of deeds for the southern district of the county of Bristol, a description of the property taken, with metes and bounds, and with their appraisal of the damages by them awarded to the owner or owners of said property. Any person aggrieved by the award of said county commissioners may, within one year from the filing of the description aforesaid, apply for a jury in the superior court to appraise said damages, in the same manner and subject to the same provisions as in case of land taken for a highway.

Taking of property, damages, record, etc.

SECTION 5. The expense of the construction of said highway bridge and approaches and way shall, in the first instance, be borne by the county of Bristol; and the commissioners of said county are hereby authorized and directed to borrow on the credit of said county such sums of money as may from time to time be required for the expenses of the construction of the same. The money so borrowed shall be deposited in the county treasury, and the county treasurer shall pay out the same as ordered

Expenses of construction.

by the said county commissioners, and said treasurer shall keep a separate and accurate account of all sums borrowed and expended under the provisions of this act, including interest paid on the money borrowed.

Certified statement of cost, etc., to be filed with clerk of the courts.

SECTION 6. Upon the completion of the highway bridge and approaches aforesaid, the said county commissioners shall file in the office of the clerk of the superior court for the county of Bristol, a detailed statement, certified under their hands, of the cost of said highway bridge and approaches, and of the abolition of any grade crossing as provided in section ten of this act, and the amount of interest paid on money borrowed under the provisions of this act. At any term of said court in said county, after the filing of said statement, upon the application in writing of any party interested, the said court shall, upon such notice as may be deemed proper, appoint a board of three commissioners, who, having been first duly sworn to the faithful and impartial discharge of their duties, shall, after due notice to all parties interested and a hearing thereon, determine, decree and name the towns and cities in said county, or in the county of Plymouth, which are or will be specially benefited by the aforesaid highway and bridge and approaches, and abolition of any grade crossing, and determine, award and name the proportion of the expense of the construction of the same, not including however the portion to be borne by the Commonwealth and railroad company, as ascertained under section ten of this act, that shall be paid by said cities and towns and by said county of Bristol, respectively. Said commissioners named in this section shall also determine and name the cities and towns by which the expense of the care, maintenance and repairs of said highway bridge draw, including approaches, abutments and piers, shall be paid, and also determine and name the proportion of said expense that shall be paid by each of such cities and towns. The report of said commissioners named in this section, or of the major part of the same, shall be made in writing and filed in the office of the clerk of the superior court for the county of Bristol, and a copy of the same, certified by said clerk, shall be forthwith transmitted to the commissioners of said county and to each of the several cities and towns named in said report; and said court, at the term thereof next after the filing of said report, shall, unless sufficient cause is shown

Apportionment of expense of construction, etc.

Apportionment of expense of care, repairs, etc., of highway bridge draw, etc.

to the contrary, accept and affirm said report and enter judgment thereon, and the same shall thereupon be binding upon all parties named therein. The expenses and fees of the commissioners appointed by said court shall be ascertained and determined by said court, and paid by said county of Bristol

SECTION 7. Within twenty days after the entry of the judgment mentioned in the preceding section, the clerk of said court shall transmit a true and attested copy of said report and judgment thereon to the commissioners for the county of Bristol, and a like copy to the mayors of the cities and selectmen of the towns mentioned in said report, and each of said cities and towns, liable under said decree and award to contribute to the payment of the construction of said highway and bridge, shall pay its proportion of said expense into the treasury of said county of Bristol, in such manner and in such instalments as the commissioners for said county shall, by a special order, determine and direct; and if any city or town shall neglect or refuse to pay its proportion as required by said order, the said commissioners for said county shall, after notice to such city or town, and unless sufficient cause is shown to the contrary, issue a warrant against said city or town for the sum it was ordered to pay, with interest and the costs of the notice and warrant, and the same shall be collected and paid into the county treasury, to be applied in payment of the expenses aforesaid.

Transmission
of copies of
report, etc.;
payment of
expense, etc.

SECTION 8. Upon the completion of said highway and bridge, the said county commissioners shall cause notice thereof to be served upon the mayor of said city of New Bedford and the selectmen of the town of Fairhaven, and said notice, with the return of the service thereof, shall be filed in the office of the clerk of the superior court for the county of Bristol, and thereafter the care, maintenance and superintendence of such parts of said highway bridge, approaches, draw, abutments and piers as lie within the corporate limits of the city of New Bedford and the town of Fairhaven, respectively, shall devolve upon the officers of the said city and town respectively charged with the duty of the care of highways and bridges therein; and liability for defects in said highway, bridge, draw, piers and abutments shall exist on the part of said city or town for the portions of the same lying therein, respectively, in like manner as for defects in town ways.

Care, maintenance, etc., of
bridge, approaches, etc.

Liability for
defects.

Proceedings
prior to con-
struction.

SECTION 9. Before proceeding to construct the works authorized by this act, said county commissioners shall cause such preliminary surveys, plans and drawings to be made, and specifications prepared of the proposed highway bridge and approaches as they deem proper, the expenses whereof shall constitute a part of the expenses of erecting and constructing the works authorized by this act, and upon the completion of said surveys, plans, drawings and specifications the said county commissioners shall give a public hearing, after such notice to the parties interested as they deem sufficient, upon the matter of the location and design and construction of said bridge.

Abolition of
grade crossing
over Old Colony
railroad.

SECTION 10. Instead of crossing the location of the Old Colony railroad on the New Bedford side at grade, the county commissioners may, if they so decide, require in writing, the mayor and aldermen of said city of New Bedford to bring proceedings for the abolition of the existing grade crossing over said railroad, and it shall thereupon be the duty of said mayor and aldermen to institute such proceedings; and the provisions of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety and acts amendatory thereof shall be applicable to such proceedings. And like directions may be given said mayor and aldermen by said county commissioners, and like proceedings had in case the location of said bridge, approaches and way leading to the same or any portion thereof, shall be changed by said county commissioners under the authority given by this act and the provisions of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety and acts amendatory thereof, relative to the apportionment of the cost between said railroad company and the Commonwealth and the city of New Bedford, and all other provisions of said act of the year eighteen hundred and ninety and acts amendatory thereof shall apply, except that the cost which would thereby be apportioned upon said city shall be added to the cost of constructing the remaining portion of said bridge, approaches and way, and be apportioned upon the parties as provided in section six of this act: *provided*, that the work to be done in case of abolishing said grade crossing, or under the provisions of this section, shall be done by the county commissioners of the county of Bristol.

SECTION 11. No member of the board of county commissioners shall be disqualified from serving under this act by reason of residing in any city or town within the limits of which any part of said bridge or its approaches may lie, any provision of section seventeen of chapter twenty-two of the Public Statutes to the contrary notwithstanding.

County commissioners not disqualified from serving by reason of residence, etc.

SECTION 12. Any debt incurred or loan issued by the city of New Bedford to defray obligations of said city arising under the provisions of this act shall not be included within the limit fixed by section two of chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-five.

Loan not to be included in debt limit of city of New Bedford.

SECTION 13. This act shall take effect upon its passage.

Approved May 19, 1893.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BERKSHIRE TO BORROW MONEY ON THE CREDIT OF THE COUNTY FOR THE PURPOSE OF REPLACING THE STEAM BOILERS AND MAKING OTHER REPAIRS IN THE HOUSE OF CORRECTION AT PITTSFIELD.

Chap. 369

Be it enacted, etc., as follows :

The county commissioners of the county of Berkshire are hereby authorized to borrow on the credit of said county a sum not exceeding six thousand dollars, for defraying the expenses of replacing the steam boilers and their appurtenances, building a boiler house and coal shed, and fitting up a bath room in the house of correction in Pittsfield; but no sum shall be borrowed under the authority hereby granted in excess of the amount actually and necessarily expended for the purposes aforesaid.

May borrow money for improvements in house of correction in Pittsfield.

Approved May 19, 1893.

AN ACT TO PROVIDE EXTRA CLERICAL ASSISTANCE FOR THE CLERK OF THE THIRD DISTRICT COURT OF EASTERN MIDDLESEX.

Chap. 370

Be it enacted, etc., as follows :

SECTION 1. The clerk of the third district court of eastern Middlesex shall be allowed for extra clerical assistance a sum not exceeding five hundred dollars in any one year, upon his certificate that the work was actually performed and was necessary, with the time occupied and the names of the persons by whom the work was performed, such sum to be approved by the county com-

Clerical assistance for clerk of third district court of eastern Middlesex.

missioners of Middlesex county in writing, and to be paid from the county treasury, monthly, to the person or persons employed.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 1893.

Chap.371 AN ACT TO PROVIDE ADDITIONAL CLERICAL ASSISTANCE FOR THE CLERK OF THE MUNICIPAL COURT OF THE CITY OF BOSTON FOR CIVIL BUSINESS.

Be it enacted, etc., as follows :

Clerical assistance for clerk of municipal court of the city of Boston for civil business.

SECTION 1. The clerk of the municipal court of the city of Boston, for civil business, shall be paid by the county of Suffolk six hundred dollars for additional clerical assistance, in addition to and in the manner provided for the amount now paid by the said county for extra clerical assistance.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 1893.

Chap.372 AN ACT TO PROVIDE FOR UNIFORM RULES OF PRACTICE AND PROCEDURE IN THE COURTS OF PROBATE AND INSOLVENCY.

Be it enacted, etc., as follows :

Uniform rules of practice and procedure in courts of probate and insolvency.

SECTION 1. The judges of the several courts of probate and insolvency are hereby instructed to confer, and prepare, before the first day of September in the year eighteen hundred and ninety-three, rules of practice and procedure in said courts, and also blanks for use in said courts ; which rules and blanks shall be submitted to the supreme judicial court for approval ; and when approved by the last named court or a majority of the justices thereof shall take effect and be in force in all courts of probate and insolvency. And said judges of probate and insolvency may from time to time make new rules and blanks, which new rules and blanks shall, when approved by the supreme judicial court or a majority of the justices thereof, take effect and be in force in all courts of probate and insolvency.

Expenses.

SECTION 2. The said judges of probate and insolvency shall make a report to the governor of such expenses as may have been incurred in carrying out the provisions of this act, and upon the approval of the same by the governor and council they shall be allowed and paid in

the same manner as other claims against the Commonwealth.

SECTION 3. This act shall take effect upon its passage.

Approved May 19, 1893.

AN ACT TO PROVIDE FOR RESUBMITTING TO THE CITY OF MALDEN THE QUESTION OF THE ACCEPTANCE OF AN ACT RELATING TO THE INCURRING OF INDEBTEDNESS FOR PARK PURPOSES.

Chap.373

Be it enacted, etc., as follows:

The question of the acceptance of chapter one hundred and fifty-five of the acts of the year eighteen hundred and ninety-two, entitled, an act to authorize the city of Malden to incur a debt for park purposes beyond the limit fixed by law, shall be again submitted to the qualified voters of the city of Malden at the next annual municipal election held therein, and if accepted by a majority vote of the voters present and voting thereon said act, except sections six and seven thereof, shall take effect from the date of said vote, and thereafter shall have the same force as if it had been accepted as provided therein.

1892. 155, to be resubmitted to voters for acceptance.

Approved May 19, 1893.

AN ACT TO AUTHORIZE THE FITCHBURG AND LEOMINSTER STREET RAILWAY COMPANY TO EXTEND ITS TRACKS, INCREASE ITS CAPITAL STOCK AND ISSUE BONDS.

Chap.374

Be it enacted, etc., as follows:

SECTION 1. The Fitchburg and Leominster Street Railway Company may, subject to the approval and under the control of the selectmen of the several towns, as provided by general law, locate, construct, maintain and operate its railway, with single or double tracks, and with convenient and suitable turn-outs, switches and connections, through and over any streets and highways in the towns of Westminster, Gardner, Lunenburg, Sterling, Lancaster and Clinton, and in each of said towns, and over any private lands that it may acquire by purchase, lease or otherwise, in any city or town in which said corporation is or may become authorized to acquire locations.

May extend railway.

SECTION 2. Said company may maintain and operate its railway over any locations which have been or may be granted to it, by electricity or any approved motive power other than steam, and with the consent of the mayor and aldermen or selectmen of the respective cities or towns in which

Motive power, alteration of streets, erection of poles, wires, etc.

said locations have been or may be granted, may make such underground alteration of the streets or ways and erect and maintain such poles and wires as may be necessary to establish and maintain such motive power. It may acquire by purchase or by lease all necessary real estate for its power stations and other uses incidental to the proper maintenance of its railway.

May acquire franchises, etc., of or consolidate with other railway corporations, etc.

SECTION 3. Said company may acquire and hold, either by purchase and sale or by lease, the whole or any part of the property, rights and franchises of any other street railway company or companies which now have or may acquire a location in Fitchburg and Leominster, or in any of the towns mentioned in section one of this act in which locations have been or may be granted to said Fitchburg and Leominster Street Railway Company, or may unite and consolidate with said other company or companies; and said other company or companies may each lease, sell, convey and assign to said Fitchburg and Leominster Street Railway Company the whole or any part of its property, rights or franchises, and may unite and consolidate with said Fitchburg and Leominster Street Railway Company; but any such purchase, sale, lease or consolidation shall not be valid unless agreed to by the board of directors of each corporation and approved by a majority in interest of the stockholders of each corporation, at meetings called for the purpose, and with the approval of the board of railroad commissioners; and in case of such purchase of the entire property, rights and franchises of another corporation, the said Fitchburg and Leominster Street Railway Company shall have, hold, exercise and enjoy all the locations, powers, privileges, rights, franchises, property and estates which at the time of such purchase shall belong to or in any way be owned by the corporation so selling, and shall be subject to all the duties, restrictions and liabilities to which the corporation so selling shall then be subject.

May increase capital stock or issue mortgage bonds, etc.

SECTION 4. For the purpose of providing the means for carrying out the authority hereby granted, and for building or rebuilding its road over locations now or hereafter granted, and for equipping the same, said Fitchburg and Leominster Street Railway Company may from time to time by a vote of a majority in interest of its stockholders at meetings called for the purpose, increase its capital stock to an amount not exceeding five hundred

thousand dollars, such additional stock to be disposed of in the manner provided in section sixteen of chapter one hundred and thirteen of the Public Statutes; or in place of a portion of such additional stock said company may by a like vote issue an equal amount of coupon or registered bonds bearing interest not exceeding six per centum per annum, for a term not exceeding thirty years from the date thereof, but the total amount of bonds so issued shall not exceed the amount of its capital stock actually paid in at the time of issuing such bonds; and to secure the payment of said bonds said company may make a mortgage of its road and franchise and the whole or any part of its other property, and may include in such mortgage property thereafter to be acquired, and may therein reserve to the directors the right to sell or otherwise in due course of business to dispose of property included therein which may become worn, damaged or otherwise unsuitable for use in the operation of its road, provided that an equivalent in value shall be substituted therefor.

SECTION 5. All bonds so issued shall first be approved by some person appointed by the corporation for that purpose, who shall certify upon each bond that it is properly issued and recorded; and such certificate shall, as regards bona fide holders be conclusive of the regularity of the issue and sale of the bonds.

Approval and certification of bonds.

SECTION 6. This act shall take effect upon its passage, and shall be void unless said railroad is located within two years and constructed within four years after the passage of this act.

To be void unless road is located and constructed, etc.

Approved May 19, 1893.

AN ACT TO AUTHORIZE THE NEWTON STREET RAILWAY COMPANY TO EXTEND ITS TRACKS AND INCREASE ITS CAPITAL STOCK.

Chap. 375

Be it enacted, etc., as follows:

SECTION 1. The Newton Street Railway Company is hereby authorized, under the restrictions of its charter, to extend its tracks into and over such streets, highways and public places in Needham, Wellesley, Weston, Lincoln, Lexington, Belmont, and to Oak square, and to the junction of Beacon street and Chestnut Hill avenue, both in that part of Boston known as Brighton, as shall be approved and agreed to by the selectmen of the respective towns and the mayor and aldermen of the city of Boston; and the locations so granted in the city of Boston shall be valid only when approved by the railroad commissioners.

May extend tracks, etc.

Motive power, alteration of streets, erection of poles, wires, etc.

SECTION 2. The said company is hereby authorized to operate its railway with horses, electricity, or any other motive power except steam, which said selectmen of the towns or the mayor and aldermen of the city may from time to time permit, and may, with the consent of the said selectmen of said towns or the mayor and aldermen of said city, make such underground alterations of the streets, highways and public places, and erect such poles and wires as may be necessary to establish and maintain any system of electric motive power which it may at any time adopt.

May build, operate, etc., railway on private land, etc.

SECTION 3. The said company is hereby authorized to build, maintain and operate its railway and cars over and upon private land which may be acquired by purchase or lease for that purpose, or where permission can be obtained of the owners.

May increase capital stock.

SECTION 4. The capital stock of the said company may be increased from time to time by an amount not exceeding twenty-five thousand dollars per mile for new construction, for the purpose of making such extensions, purchasing real estate needed in the operation of said railway, equipments and the building of power stations, car houses and other necessary purposes, also for the purpose of funding its floating debt and for any other legitimate purpose in connection with the operation of its railway; but the increase above authorized shall not exceed in the aggregate three hundred and sixty-five thousand dollars.

May purchase property, etc., of or consolidate with other railway corporations, etc.

SECTION 5. Said company may purchase, consolidate with or lease at any time, with the approval of the board of railroad commissioners, the whole or any portion of the property, rights and franchises of any other company within the towns or city before mentioned, and may at any time sell or lease its property, rights and franchises, or any portion thereof, with the approval of the board of railroad commissioners, and any such other company shall have similar power: *provided, however*, that such purchase, consolidation or lease shall not be valid unless agreed to by a majority of the directors of the purchasing, consolidating, selling or leasing corporations; and said acts of the boards of directors shall be approved by the majority in interest of the stockholders of each corporation at meetings called for that purpose; this section shall not affect the terms of existing orders of location granted to

Proviso.

said company by the mayor and aldermen of said city of Newton.

SECTION 6. The Newton Street Railway Company may, for the purposes mentioned in section five of this act, by a vote of two thirds in interest of its stockholders, at meetings called and held for that purpose, increase its capital stock to an amount not exceeding the capital stock of the company purchased or consolidated with.

May increase capital stock.

SECTION 7. This act shall take effect upon its passage.

Approved May 19, 1893.

AN ACT TO RESTRICT THE PAYMENT OF EXPENSES OF NATURALIZATION. Chap.376

Be it enacted, etc., as follows :

SECTION 1. No political committee, and no person who is required by the provisions of chapter four hundred and sixteen of the acts of the year eighteen hundred and ninety-two to file a statement, shall make any payment or promise of payment of money to or on behalf of any person for fees for the primary or final declaration or application for naturalization, or for services as counsel or otherwise in assisting any one to make such declaration or application.

Payment of expenses of naturalization restricted.

SECTION 2. Whoever violates any of the provisions of this act shall be punished by fine not exceeding one thousand dollars.

Penalty.

SECTION 3. This act shall take effect upon its passage.

Approved May 19, 1893.

AN ACT RELATIVE TO DEFINING THE POWERS AND DUTIES, OF THE BOARD OF STREET COMMISSIONERS OF THE CITY OF MALDEN. Chap.377

Be it enacted, etc., as follows :

SECTION 1. Section one of chapter one hundred and forty-four of the acts of the year eighteen hundred and ninety is hereby amended by inserting after the word "anew", in the fourteenth line, the words : — assessing betterments under chapter fifty-one of the Public Statutes, — and by inserting in the twenty-third line, after the word "council", the words : — Said board of street commissioners are also authorized and empowered to lay out, alter, widen, locate anew, grade or discontinue any highway, and to assess betterments therefor under the pro-

1890, 144, §1, amended.

Street commissioners, appointment, term of office, vacancies, etc.

Powers and duties.

Compensation.

visions of chapter fifty-one of the Public Statutes and any amendments or additions thereto, except the provisions of sections nine, ten and fifteen of said chapter fifty-one, — so as to read as follows: — *Section 1.* The mayor and aldermen of the city of Malden shall appoint three persons to be street commissioners, one for three years, one for two years and one for one year, and shall thereafter annually appoint one person for three years. The city council may by ordinance fix the time of said appointment and the time when said term of service shall commence. The commissioners shall hold their office until others shall be chosen and qualified in their stead. Vacancies may be filled by the mayor and aldermen at any time, and removals may be made by them for cause. The persons so appointed shall constitute the board of street commissioners. All of the powers now vested in the city council in respect to the laying out, accepting, widening, altering, locating anew, assessing betterments under chapter fifty-one of the Public Statutes, discontinuing or repairing any highway, town way or private way, and all the powers now vested in the mayor and aldermen in respect to establishing, grading and constructing sidewalks, and completing partially constructed sidewalks, and making assessments upon the abutters upon such sidewalks, are hereby conferred upon and shall be exercised by the board of street commissioners; but the board shall not incur or authorize any expenditures without a previous appropriation therefor by the city council. Said board of street commissioners are also authorized and empowered to lay out, alter, widen, locate anew, grade or discontinue any highway, and to assess betterments therefor under the provisions of chapter fifty-one of the Public Statutes and any amendments or additions thereto, except the provisions of sections nine, ten and fifteen of said chapter fifty-one. Applications for laying out, accepting, widening, altering, locating anew or discontinuing any highway, town way or private way, and for establishing and constructing sidewalks, may be made, and notice given and proceedings had thereon, in such manner and under such regulations as may be prescribed in the ordinances of said city. The compensation of the street commissioners shall be fixed by the city council.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 1893.

AN ACT TO REVISE THE CHARTER OF THE CITY OF LYNN.

Chap. 378

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the city of Lynn shall continue to be a municipal corporation, under the name of the City of Lynn, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said city as a municipal corporation.

City of Lynn.

SECTION 2. The government of the city and the general management and control of all the fiscal, prudential and municipal affairs thereof shall be vested in a single officer, to be called the mayor, and in a legislative body, to be called the city council, except however that the general management and control of the public schools of the city, and of the buildings and property pertaining to such schools, shall be vested in a school committee.

Government and general management of affairs.

SECTION 3. The territory of the city shall continue to be divided into seven wards, which shall retain their present boundaries until the same shall be changed under the general law relating thereto, in any year fixed by law for a new division of wards in cities, by vote of the city council, approved by the mayor, at or prior to the making of such division; but the number of wards shall never be less than seven.

Seven wards.

SECTION 4. All meetings of the qualified voters of the city for the purpose of voting at elections and for other municipal or legal purposes shall be called by warrants issued by order of the board of aldermen, which shall be in such form and be served and returned in such manner and at such time as the city council may by ordinance direct.

Warrants for elections, etc.

SECTION 5. The municipal election shall take place annually on the second Tuesday of December, and the municipal year shall begin at ten o'clock in the forenoon on the first Monday of January and continue until ten o'clock in the forenoon on the first Monday of the following January.

Annual municipal election.

SECTION 6. At the municipal election the qualified voters shall, in the several wards, give in their votes by ballot for mayor and for members of the city council and of the school committee, or for such of them as are to be elected, and the person receiving the highest number of

Officers to be elected by a plurality vote.

votes for any office shall be deemed and declared to be elected to such office; and whenever two or more persons are to be elected to the same office, the several persons, up to the number required to be chosen, receiving the highest number of votes shall be deemed and declared to be elected.

Vacancies in
office.

SECTION 7. If it shall appear that there is no choice of mayor, or if the person elected to that office shall refuse to accept the office, or shall die before qualifying, or if a vacancy in the office shall occur more than six months previous to the expiration of the term of office of a mayor, the board of aldermen shall forthwith cause warrants to be issued for a new election, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of mayor; and such proceedings shall be repeated until the election of a mayor is completed. If the full number of members of the city council then required to be chosen shall not be elected at the annual municipal election, or if a vacancy in the office of a member thereof shall occur more than six months previous to the expiration of his term of office, the board of aldermen shall forthwith cause a new election to be held, as aforesaid, to fill the vacancy. In case a vacancy in the office of mayor or of a member of the city council shall occur within the six months previous to the expiration of his term of office, the city council may, in its discretion, order a new election to be held, as aforesaid, to fill the vacancy.

General meet-
ings of voters.

SECTION 8. General meetings of the qualified voters of the city may from time to time be held according to the right secured to the people by the constitution of the Commonwealth, and such meetings may and upon the request in writing of one hundred qualified voters setting forth the purposes thereof shall be called.

City council.

SECTION 9. The city council shall be composed of two branches, one of which shall be called the board of aldermen and the other the common council. The board of aldermen shall be composed of nine members, who shall be elected annually by and from the qualified voters of the city. Not more than two aldermen shall be elected from any one ward. The common council shall be composed of twenty-five members, who shall be elected annually by and from the qualified voters of each ward: — One from ward one, two from ward two, five from

ward three, five from ward four, five from ward five, five from ward six, and two from ward seven, and shall hold office for the municipal year next succeeding their election. The city council may, in any year fixed by law for a new division of wards, apportion the members of the common council among the several wards as nearly as may be on the basis of population, and the qualified voters of each ward shall elect from among their number the members of the common council to which it shall be entitled on such apportionment.

SECTION 10. The mayor elect and the members elect of the city council shall on the first Monday in the January succeeding their election, at ten o'clock in the forenoon, assemble together and be sworn to the faithful discharge of their duties. In case of the absence of the mayor elect on the first Monday in January, or if a mayor shall be subsequently elected, the oath of office may at any time thereafter be administered to him in the presence of the city council; and at any time after the first Monday in January the oath of office may be administered in the presence of either branch of the city council, to a member of such branch who was absent on the first Monday in January, or who shall be subsequently elected. A certificate that such oath has been taken by the mayor shall be entered in the journal of both branches of the city council, and in the journal of each branch shall be entered a certificate that the oath has been so taken by the members of that branch.

SECTION 11. Directly after the oaths of office have been administered each branch of the city council shall meet and organize by the election by ballot of a president, and no other business shall be in order until a president has been chosen. The president of the board of aldermen shall preside at all meetings of the board in the absence of the mayor. The city clerk shall also be the clerk of the board of aldermen, but in case of a vacancy in the office, the board of aldermen may elect a temporary clerk by ballot, who shall be sworn to the faithful discharge of his duties and act as clerk of the board until a city clerk is chosen and qualified. The common council shall elect its own clerk, who shall be sworn to the faithful discharge of his duties in the presence of the common council. Each clerk shall attend the sessions of the branch for which he is elected, shall keep a record of its proceedings,

Removals from office.

Vacancy in office of city clerk.

Each branch to be judge of election of its members, etc.

Special meetings.

Quorum.

Transaction of business.

Salary of mayor.

and shall perform such further service as such branch may require. The president of the board of aldermen may be removed from office by the affirmative votes of three fourths of all the members of said board. The president and clerk of the common council may each be removed by the affirmative vote of three fourths of all the members of the common council. In case of the temporary absence or disability of the city clerk the mayor may, with the consent of the board of aldermen, appoint a city clerk pro tempore, who shall be duly sworn. In case of a vacancy in the office the same shall be filled by the city council.

SECTION 12. Each branch of the city council shall be the judge of the election and qualifications of its own members, shall determine the rules for its own proceedings, and may appoint such assistant clerks and other officers as may be necessary for the proper conduct of its own business.

SECTION 13. The mayor may at any time call a special meeting of the city council, or of either branch thereof, and shall call a special meeting of either branch upon the request in writing of one third of the members of that branch. Such request shall state the subjects to be considered at the meeting. The mayor shall cause a written notice of any meeting called under this section, stating the subjects to be considered thereat, to be left at the usual place of residence of each member at least twenty-four hours previous to the time appointed for the meeting, and no business not stated in such notice shall be transacted at such special meeting.

SECTION 14. In each branch of the city council, a majority of the whole number of members provided to be elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. The two branches shall sit separately for the transaction of all business, except as herein otherwise provided, and shall not both take action on the same day upon a matter involving the appropriation or expenditure of money, except by the votes of four fifths of the members of each branch present and voting thereon by yea and nay vote.

SECTION 15. The city council shall by ordinance determine the salary of the mayor, and may in like manner change such salary from time to time, but no ordinance changing the salary shall take effect until the municipal year succeeding that in which the ordinance is passed.

SECTION 16. The city council may by ordinance provide for the payment of salaries to the members of either branch of the city council, but no ordinance establishing a salary or increasing a salary already established shall take effect until the municipal year succeeding that in which the ordinance is passed. The existing salaries of the members of the board of aldermen are hereby legalized.

Salaries of city council.

SECTION 17. All votes of the city council making appropriations or loans of money shall be by ye and nay vote and in itemized form, and when brought before the city council, on recommendation of the mayor, as provided in section thirty-one of this act, no item of the appropriation or loan in excess of the amount recommended by the mayor shall be passed except by the affirmative votes of two thirds of the members of each branch present and voting thereon.

Appropriations and loans.

SECTION 18. The board of aldermen may hold private sittings for the consideration of nominations by the mayor, but all other sittings of either branch, or in joint convention, shall be public, and all votes on confirmation of appointments by the mayor shall be taken in public.

Sittings of either branch or in joint convention.

SECTION 19. No member of the city council shall, during the term for which he is elected, hold any other office or position the salary or compensation for which is payable from the city treasury, nor shall he act as counsel or attorney before the city council, or before either branch or any committee thereof.

Member of city council not to hold other office, etc.

SECTION 20. Neither the city council nor either branch thereof, nor any committee or member thereof, shall directly or indirectly take part in the employment of labor, the expenditure of public money, the making of contracts, the purchase of materials or supplies, the ordering or laying of water pipes, the construction, alteration or repair of any public works or other property, or in the care, custody or management of the same, or in general in the conduct of the executive or administrative business of the city, except as herein required in providing for the appointment and removal of subordinate officers and assistants, and as may be necessary for defraying the contingent and incidental expenses of the city council or of either branch thereof.

Employment of labor, making of contracts, etc.

SECTION 21. The city council shall have power within said city to make and establish ordinances and to affix

City ordinances, penalties, etc.

thereto penalties for the violation thereof, as herein or by general law provided, without the sanction of any court or of any justice thereof. All ordinances so made and established shall be forthwith published in one or more newspapers designated by the mayor, and they shall, unless they contain an express provision for a later date, take effect at the time of their approval by the mayor, or, if a penalty for their violation is provided, at the expiration of thirty days from the day of such approval.

Streets, highways, etc.

SECTION 22. The city council shall, subject to the approval of the mayor, have exclusive authority and power to order the laying out, locating anew and discontinuing of and the making of specific repairs in all streets, highways and other ways within the limits of the city, to assess the damages sustained thereby by any person, and, except as herein otherwise provided, to act in matters relating to such laying out, locating anew, altering, discontinuing or repairing, but in all such matters action shall first be taken by the board of aldermen; and no specific repairs shall be made without the approval of the board of public works. Any person aggrieved by the action of the city council hereunder shall have all the rights and privileges now by law in similar cases allowed in appeals from decisions of selectmen.

General powers and duties of city council.

SECTION 23. Except as herein otherwise provided the city council shall in general have and exercise the legislative powers of towns and of the inhabitants thereof, and shall have all the powers and authority given to city councils under the general laws of the Commonwealth, and be subject to the duties imposed on city councils, and the board of aldermen shall have and exercise all the powers, other than executive, given to selectmen of towns, and shall have all the powers and authority given to boards of aldermen of cities, and shall be subject to the duties imposed upon such boards.

Term of office of mayor.

SECTION 24. The mayor shall be elected annually from the qualified voters of the city, and shall hold office for the municipal year next succeeding his election and until his successor is elected and qualified, except that when elected to fill a vacancy he shall hold office only for the unexpired term and until his successor is elected and qualified.

Mayor to be chief executive, etc.

SECTION 25. The mayor shall be the chief executive officer of the city, and the executive powers of the city

shall be vested in him, and be exercised by him either personally or through the several officers and boards in their respective departments, under his general supervision and control. He may preside in the board of aldermen and in joint convention of both branches of the city council.

SECTION 26. The mayor shall communicate to the city council, or to either branch, such information and shall recommend such measures as, in his judgment, the interests of the city shall require; shall cause the laws, ordinances and orders for the government of the city to be enforced; and shall secure an honest, efficient and economical conduct of the executive and administrative business of the city and the harmonious and concerted action of the different administrative and executive departments.

General powers and duties of mayor.

SECTION 27. In case of a vacancy in the office of mayor, or of his resignation, or of his inability from any cause to perform the duties of his office, and in case the board of aldermen has by a two thirds vote declared that one of the above reasons exists, or in case of his absence from the Commonwealth, the president of the board of aldermen shall, under the style of acting mayor, exercise the powers and perform the duties of mayor, except that he shall not, unless authorized thereto in a special instance by the city council, make any removal from office or permanent appointment; nor shall he, unless such disability of the mayor has continued at least ten days, or unless the office of mayor has become vacant, have power to approve or disapprove any ordinance, order, resolution or vote of the city council.

Vacancy in office of mayor.

SECTION 28. The mayor shall appoint, subject to the confirmation of the board of aldermen, all the officers of the city herein named, unless their election or appointment is herein otherwise provided for. No such appointment made by the mayor shall be acted upon by the board of aldermen until the expiration of one week from the time when the appointment is transmitted to the board. Any officer so appointed may be removed by the mayor with the approval of the board of aldermen.

Appointments by mayor and aldermen.

SECTION 29. The mayor shall cause to be kept a record of all his official acts, and for that purpose and to aid him in his official duties he may, without the confirmation of the board of aldermen, appoint one or more clerks, whose number and compensation shall be fixed by the city council.

Mayor's records and clerks.

Mayor and heads of departments to meet for consultation.

SECTION 30. The mayor shall, as often as once in each month, call together for consultation upon the affairs of the city, the heads of departments, who shall, whenever called upon, furnish such information relative to their respective departments as he may request.

Estimates.

SECTION 31. The heads of departments, the school committee, and all other officers and boards having authority to expend money, shall submit to the mayor in the month of January of each year detailed estimates of the amounts deemed by them to be necessary for their respective departments for the financial year, which shall begin on the first day of the preceding December, and he shall, not later than the second week in February, transmit such estimates to the city council recommending appropriations for each department or purpose as he shall deem necessary therefor.

Expenditures, appropriations, etc.

SECTION 32. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made and no liability incurred by or in behalf of the city until the city council has duly voted an appropriation sufficient to meet such expenditure or liability, together with all prior unpaid liabilities which are payable therefrom, except that after the expiration of the financial year and before the making of the regular annual appropriations, liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one fourth of the total of the appropriation made for similar purposes in the preceding year.

Annual statements of receipts and expenditures.

SECTION 33. The mayor shall annually require all boards and officers intrusted with the receipt and expenditure of public money, and with the care and custody of public property, to make particular and detailed statements thereof, and shall cause such statements to be published for the information of the citizens.

Mayor to sign, seal, etc., deeds, leases, etc.

SECTION 34. The mayor shall have sole power to sign, seal, execute and deliver, in behalf of the city, deeds and leases of lands sold or leased by the city, and other deeds, agreements, contracts, leases, indentures and assurances on behalf of the city, except as herein otherwise provided.

Administrative officers.

SECTION 35. There shall be the following administrative officers, who shall perform the duties prescribed by law for them respectively, and such further duties, not inconsistent with the nature of their respective offices and with general laws, as the city council may prescribe: —

1. A city clerk. 2. A city treasurer. 3. A collector of taxes. 4. A city auditor. 5. A board of overseers of the poor, consisting of six persons, two of whom shall be elected each year as the respective terms of office of the present incumbents expire, and two each year thereafter. The officers above-specified shall be elected by the city council for the term of three years. The offices of city treasurer and collector of taxes may be held by the same person. 6. A city engineer, who shall be appointed for the term of three years. 7. A city physician, who shall be appointed for the term of three years. 8. A board of health, consisting of three persons, one of whom shall be the city physician, who shall ex officio be a member of said board. The two other members thereof shall be appointed, one in the year eighteen hundred and ninety-four for two years and one in the year eighteen hundred and ninety-five for two years, each appointment thereafter to be for the term of three years. 9. A public water board, consisting of five persons, who shall be appointed for five years, one to be appointed each year as the respective terms of office of the present incumbents expire, and one each year thereafter. 10. A board of park commissioners, consisting of five persons, who shall be appointed for five years, one to be appointed each year as the respective terms of office of the present incumbents expire, and one each year thereafter. Said board shall have exclusive care and control of all parks, and, except as herein otherwise provided, of all other public grounds except cemeteries and burial grounds. No part of the common shall be let or sold. 11. A board of sinking fund commissioners, consisting of three persons, who shall be appointed for three years, one to be appointed each year as the respective terms of office of the present incumbents expire, and one each year thereafter. 12. A board of public works, consisting of three persons, one of whom shall be the city engineer, who shall ex officio be a member of said board. The two other members thereof shall be appointed one for one year and one for two years, each succeeding appointment thereafter to be for the term of three years. Said board shall have and exercise the powers of surveyors of highways, and shall also have charge of the construction, maintenance and repair of all streets, highways and other ways, and of all sidewalks, bridges and sewers, the supervision and care of wires,

Administrative
officers.

municipal signal systems, and shade trees, the supervision of street lighting and of street watering, and the care of all buildings belonging to the city and the grounds used in connection therewith, other than school buildings. Said board shall have full supervision of the erection of all public buildings, including school buildings, and of all repairs and alterations of the same. No department of said city and no corporation or person shall at any time open, dig up or otherwise obstruct any street, highway, way or sidewalk in the city, or lay pipes or erect or maintain poles or any other structure within the location of any such street, highway, way or sidewalk, without the consent of said board in writing, previously obtained. Said board may apportion and delegate its various powers and duties among subdepartments or divisions, each of which may be in charge of a superintendent or foreman, who shall be appointed and may be removed by said board. The city council may from time to time, subject to the provisions of this act and in accordance with general laws, establish additional boards and other offices for municipal purposes, provide for their election or appointment, and determine the number and duties of the incumbents of such boards and offices, and for such purposes may delegate to such boards and offices the administrative powers given by general laws to city councils and boards of aldermen. The city council may likewise from time to time consolidate boards and offices, and may separate and divide the powers and duties of such as have already been established, may increase or diminish the number of persons constituting any of the boards above-specified, may increase or diminish the number of persons who shall perform the duties of an office or board hereafter established as above provided, and may abolish an office or board so hereafter established. All officers named herein, whether elected by the city council or appointed by the mayor, shall be elected or appointed during the month of March, and their terms of office shall begin on the first Monday in April following their election or appointment and continue for the respective terms herein provided, or, in the case of offices hereafter established, for the terms provided by the city council, except that the terms of all officers heretofore elected or appointed shall continue according to the tenure thereof. Any such officer not elected or appointed during the month of March

Additional
officers.

Changes in
boards and
officers.

Time of appoint-
ment, terms of
office, etc.

may be elected or appointed at any time thereafter, the term of office in such case to begin forthwith and to terminate at the same time that it would have terminated if said officer had been elected or appointed in March. All officers, whether heretofore elected or appointed, or elected or appointed hereunder, shall, except in case of removal, continue in office until their successors are elected or appointed and qualified. Upon the resignation, removal or disability of any officer the vacancy may be filled for the unexpired portion of the term by election or appointment, as above provided, for the several officers. All officers provided by this act or by ordinance to be elected by the city council shall be elected by both branches in joint convention. Any officer so elected may be removed by the affirmative votes of three fourths of all the members of the city council in joint convention.

Vacancies;
elections; re-
movals.

SECTION 36. All administrative officers shall be sworn to the faithful discharge of their respective duties, and certificates of their oaths shall be made and kept in the office of the city clerk; and all such boards and other officers shall keep a record of their official transactions, and such record shall be open to public inspection.

Officers to be
sworn; certi-
ficates of oaths;
records.

SECTION 37. There shall be a board of assessors, consisting of three persons, who shall be elected for three years by and from the qualified voters of the city, one to be elected each year as the respective terms of office of the present incumbents expire, and one each year thereafter. There shall also be eleven assistant assessors appointed by the board of assessors annually from the qualified voters of the several wards, as follows: — One from ward one, one from ward two, two from ward three, two from ward four, two from ward five, two from ward six and one from ward seven.

Assessors.

SECTION 38. The city council may require the city treasurer, the collector of taxes, the city auditor, and any other municipal officer intrusted with the receipt, care or disbursement of money, to give bonds, with such security as it shall deem proper, for the faithful discharge of their respective duties.

Certain officers
to give bonds.

SECTION 39. The administrative boards and officers above-specified, and every administrative board and officer hereafter established by the city council under the provisions of this act, and having the charge of a department, shall have the power, except as herein otherwise provided,

Subordinate
officers, clerks,
etc., of adminis-
trative boards
and officers.

to appoint and employ and to discharge and remove all subordinate officers, clerks and assistants in their respective departments; and they shall keep a record, subject to inspection, of all so appointed and employed and of all discharged and removed, and, in case of discharge and removal, of the grounds therefor.

Employment of
labor, making of
contracts, etc.

SECTION 40. The several administrative boards and officers having charge of departments shall, within their respective departments, employ all labor, make and execute all necessary contracts, purchase all materials and supplies, and shall in general have the immediate direction and control of all executive and administrative business. They shall at all times be accountable for the proper discharge of their duties to the mayor as the chief executive officer of the city. All contracts made in behalf of the city in which the amount involved exceeds three hundred dollars shall, in order to be valid, require the signature of the mayor, and, except as herein otherwise provided or by law required, no expenditure shall be made or liability incurred for any purpose beyond the appropriations previously made therefor.

Police depart-
ment.

SECTION 41. The city council may establish a police department, and provide for the appointment of a chief of police and of other members of the police force by the mayor, subject to the confirmation of the board of aldermen, or by a police board, or for the appointment of other members of the force by a chief of police to be appointed by the mayor, subject to the confirmation of the board of aldermen.

Fire depart-
ment.

SECTION 42. The city council may establish a fire department, and provide for the appointment of a chief engineer and of other members of the department by the mayor, subject to the confirmation of the board of aldermen, or by a fire board, or for the appointment of other members of the department by a chief engineer to be appointed by the mayor, subject to the confirmation of the board of aldermen.

Officers may
appear and give
information to
city council,
etc.

SECTION 43. Every administrative board, through its chairman or a member designated by the board, and every officer having charge of a department, may appear before the city council, and at the request of either branch shall appear before it, and give information in relation to any matter, act or thing connected with the discharge of the duties of such board or office; and the officer who appears

shall have the right to speak upon all matters under consideration relating to his department.

SECTION 44. The city council shall establish by ordinance the salary or compensation of every administrative officer, but after the first municipal year no ordinance changing any such salary or compensation shall take effect until the municipal year succeeding that in which the ordinance is passed. Salaries.

SECTION 45. The management and control of the schools of the city shall be vested in a school committee, consisting of twelve members at large, who shall be elected by the qualified voters of the entire city in the manner hereinafter provided, of one member from each ward of the city, who shall be a resident of and be chosen annually by the voters of such ward, and of the mayor and president of the common council, who shall ex officio be members of said committee. Said twelve members at large shall be chosen for the term of three years, four to be chosen each year as the respective terms of office of the present incumbents expire, and four each year thereafter. School committee.

SECTION 46. In case of a vacancy in the office of a member of the school committee the mayor shall call a joint convention of the board of aldermen and of the school committee, at which the mayor or president of the board of aldermen shall preside, and such vacancy shall, by vote of a majority of all the members of the two bodies, be filled by the election of a member at large or of a member from a certain ward, according as the vacancy exists, to serve for the remainder of the unexpired term of the member whose office is vacant. Vacancies.

SECTION 47. The school committee shall meet on the first Tuesday after the first Monday in January in each year for organization. The committee shall be the judge of the election and qualification of its members and shall determine the rules for its proceedings. A majority of the whole number provided to be elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. Organization; committee to be judge of election of its members; quorum.

SECTION 48. The school committee may elect a superintendent of schools, and may appoint such other subordinate officers and assistants as it may deem necessary for the proper discharge of its duties and the conduct of its business, shall define their terms of service and their duties Superintendent of schools, officers, etc.

and fix their compensation, and may remove and discharge them at pleasure. No member of the school committee shall, during the term for which he is elected, hold any other office or position the salary or compensation for which is payable out of the city treasury.

Member of committee not to hold other office, etc.

School lands, buildings, etc.

SECTION 49. The school committee, in addition to the exercise of the powers and the discharge of the duties imposed by law upon school committees, shall have full power and authority to select and purchase lands for school purposes, to determine the plans of all school buildings to be erected, and to provide when necessary temporary accommodations for school purposes; and shall have the care and control of all school buildings and the grounds connected therewith.

Liabilities, expenditures, appropriations, etc.

SECTION 50. Unless thereto required or authorized by law the school committee shall cause no liability to be incurred and no expenditure to be made for any purpose beyond the specific appropriation which may be made therefor by the city council, except that after the expiration of the financial year and before the making of the regular annual appropriations, liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one fourth of the total of the appropriation made for similar purposes in the preceding year.

Orders involving expenditure of money.

SECTION 51. All orders, resolutions and votes of the school committee which involve the expenditure of money shall require the votes of two thirds of the members of such committee present when any such vote is taken.

Change of residence of member of city council or school committee, etc.

SECTION 52. The removal of any member of the city council or school committee from any ward to another ward of the city shall not disqualify him from discharging the duties of his office for the remainder of the term for which he was elected.

Ordinances inconsistent herewith annulled, etc.

SECTION 53. All ordinances of the city of Lynn, or portions thereof, inconsistent with the provisions of this act are annulled, but such ordinances or portions as are not inconsistent herewith are continued in force until amended or repealed.

Repeal.

SECTION 54. All acts and parts of acts inconsistent with the provisions of this act are, so far as the same relate to or affect the city of Lynn, hereby repealed, but such repeal shall in no case revive an act heretofore repealed, nor shall the repeal of acts or annulling of ordinances inconsistent herewith affect any act done or

Effect of repeal.

liability incurred, or any right accrued or established, or any suit or prosecution, civil or criminal, to enforce any right or penalty, or punish any offence, under the authority of any act so repealed or of any ordinance founded thereon.

SECTION 55. This act shall be submitted to the qualified voters of the city of Lynn for acceptance at the next municipal election held therein, and the affirmative votes of a majority of the voters present and voting thereon shall be required for its acceptance.

Majority vote required for acceptance, etc.

SECTION 56. So much of this act as authorizes the submission of the question of its acceptance to the voters of said city shall take effect upon its passage, but it shall not further take effect until accepted by the voters of said city as herein provided, and when so accepted this act shall take effect on the first Monday of January next following such acceptance.

When to take full effect.

Approved May 19, 1893.

AN ACT RELATIVE TO THE JUDGES OF PROBATE AND INSOLVENCY FOR THE COUNTY OF SUFFOLK.

Chap. 379

Be it enacted, etc., as follows :

There shall be two judges of probate and insolvency for the county of Suffolk. They shall have the same powers and jurisdiction as the judge of the probate court and of the court of insolvency for said county now has, and any vacancy shall be filled in the manner provided by the constitution. The judge of probate and insolvency for the county of Suffolk now appointed shall continue to hold his office according to the tenor of his commission. The senior judge shall be the first judge of probate and insolvency. The probate court and the court of insolvency for the county of Suffolk may be held by one or more of the judges, and when so held shall have and exercise all the powers and jurisdiction committed to the respective courts. The judges shall arrange, distribute, equalize and insure a prompt and punctual discharge of their duties. Different sessions of said courts may be held by the different judges at the same time for the transaction of the business of the courts when the public convenience so requires. All bonds required by law to be given to the judge of the probate court or to the judge of the court of insolvency for said county of Suffolk shall be made payable to the first judge of the respective courts,

Judges of probate and insolvency for Suffolk county.

Citations,
orders of no-
tice, etc.

and his successors. Citations, orders of notice, and all other processes issued by the register of probate and insolvency for said county of Suffolk, shall bear test of the first judge of the court to which they are returnable. Whenever a deposit or investment is made in the name of the judge of the probate court or the judge of the court of insolvency for the county of Suffolk, such deposit or investment shall be made in the name of the first judge of said court, and shall be subject to the order of the court.

Approved May 22, 1893.

Chap. 380 AN ACT RELATING TO THE APPORTIONMENT OF SEWER ASSESSMENTS IN CITIES.

Be it enacted, etc., as follows:

1891, 97, §1,
amended.

SECTION 1. Section one of chapter ninety-seven of the acts of the year eighteen hundred and ninety-one is hereby amended by striking out in the third line, the word "sixty", and inserting in place thereof the word: — thirty, — by inserting in the fourth line, after the word "thereon", the words: — or of any charges made for entering or using any public sewer, — by striking out in the fourth and fifth lines, the words "making such assessment", and inserting in place thereof the words: — of assessors, — by striking out in the sixth line, the word "it", and inserting in place thereof the words: — the same, — by striking out in the seventh and eighth lines, the words "and certify such apportionment to the assessors, and", by inserting in the eleventh line, after the word "added", the words: — Such assessments or charges or apportionments thereof shall constitute a lien upon the real estate, and may be collected according to the provisions of law made for the collection of taxes upon real estate, — by inserting in the twelfth line, after the word "assessments", the words: — or charges, — by inserting in the fifteenth line, after the word "assessments", the words: — or charges, — and by inserting in the eighteenth line, after the word "assessments", the words: — or charges, — so as to read as follows: — *Section 1.* In cities which by vote of the city council accept the provisions of this act, if the owner of real estate therein within thirty days after notice of a sewer assessment thereon, or of any charges made for entering or using any public sewer, notifies in writing the

Apportionment
of sewer assess-
ments and
charges in
cities.

board of assessors to apportion the same, said board shall apportion the same into such number of equal parts, not exceeding ten, as said owner shall in said notice state. The assessors shall add one of said parts with interest to the annual tax of said real estate for each year next ensuing until all said parts have been so added. Such assessments or charges, or apportionments thereof shall constitute a lien upon the real estate, and may be collected according to the provisions of law made for the collection of taxes upon real estate. All liens for the collection of such assessments or charges shall continue until the expiration of two years from the time when the last instalment is committed to the collector, and interest shall be added to all such assessments or charges until they are paid: *provided*, that nothing herein contained shall be construed to prevent the payment at any time in one payment of any balance of said assessments or charges then remaining unpaid, notwithstanding a prior apportionment.

Liens to continue for two years.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 22, 1893.

AN ACT TO AUTHORIZE THE PITTSFIELD ELECTRIC STREET RAILWAY COMPANY TO ISSUE MORTGAGE BONDS.

Chap. 381

Be it enacted, etc., as follows :

SECTION 1. The Pittsfield Electric Street Railway Company may, by a vote of the majority of its shareholders in interest, at a meeting called for the purpose, issue coupon or registered bonds to an amount not exceeding thirty thousand dollars, in sums not exceeding one thousand dollars each, payable not exceeding twenty years from the date thereof, and bearing interest not exceeding five per cent. per annum payable semi-annually, and both interest and principal may be payable in gold coin of the United States of the present fineness and weight, for the purpose of relaying its tracks, the purchase of cars and additional real estate and the erection of buildings thereon, the purchase and erection of additional machinery for its electric railway, and for the purpose of making additions to its railway upon locations which may be granted by the city of Pittsfield or by any adjacent town, or over which it has acquired the right of way. Said company may secure the payment of said bonds by a mortgage of its franchises, and the whole or any part of its railway and other real and

May issue mortgage bonds.

personal estate, whether already or hereafter acquired, and may in such mortgage reserve to its directors the right to sell or in due course of business otherwise dispose of property included in said mortgage which may become worn, damaged or otherwise unsuitable to be used in the operation of its road, provided that an equivalent in value is substituted in lieu thereof.

Application of proceeds of bonds.

SECTION 2. The proceeds of the said bonds shall be applied to the purposes stated in the preceding section, and the application thereof for any other purpose may be enjoined by the supreme judicial court or the superior court, upon application of the railroad commissioners or any person interested.

Approval and certification of bonds.

SECTION 3. No bonds shall be issued unless approved by some person appointed by said company for that purpose, who shall certify that they are properly issued and recorded, and such certificate shall, as far as regards bona fide holders, be conclusive of the regularity and sale of said bonds.

Issue of stock and bonds to be approved by railroad commissioners.

SECTION 4. No stock or bonds shall be issued under this act until the terms of such issue shall have been submitted to the board of railroad commissioners and approved by them, and if they approve such issue, a certificate setting forth such approval shall be executed by said board and filed by said company in the office of the secretary of the Commonwealth.

To be void if road is transferred to a foreign corporation.

SECTION 5. All rights granted under this act shall be null and void in case said road shall be sold or leased to any foreign corporation.

SECTION 6. This act shall take effect upon its passage.

Approved May 22, 1893.

Chap. 382

AN ACT TO AUTHORIZE THE TOWN OF HUDSON TO ERECT, FURNISH AND MAINTAIN A PUBLIC LIBRARY AND MEMORIAL HALL.

Be it enacted, etc., as follows:

Public library and memorial hall building in the town of Hudson.

SECTION 1. The town of Hudson is authorized to erect, furnish and maintain a building to be used as a public library and memorial hall, in memory of its soldiers and sailors who died in the military and naval service of the United States during the late war: *provided*, said town shall, at a legal meeting called for the purpose at any time within two years from the passage of this act, vote so to do by a two thirds vote of the voters present and voting thereon.

SECTION 2. For the purposes aforesaid said town is authorized to borrow a sum not exceeding twenty-five thousand dollars, for a period not exceeding twenty years, which sum with the interest thereon shall be provided for by taxation and paid at maturity.

Town may borrow \$25,000.

SECTION 3. The provisions of chapter twenty-nine of the Public Statutes shall apply to the debt incurred by said town under this act except so far as inconsistent herewith.

P. S. 29, to apply.

SECTION 4. This act shall take effect upon its passage.

Approved May 22, 1893.

AN ACT RELATIVE TO THE SYSTEM OF SEWERAGE AND SEWAGE DISPOSAL OF THE TOWN OF LENOX.

Chap. 383

Be it enacted, etc., as follows:

SECTION 1. The provisions of chapter two hundred and seventy-one of the acts of the year eighteen hundred and eighty-six shall continue in full force and effect; and the town of Lenox is hereby granted such additional power and authority as may be required to enable it, in connection with its system of sewage disposal, to erect and maintain a pumping station, together with all necessary connecting force mains, pipes and sewers; and to acquire, in the manner prescribed in said act, any lands, rights of way or easements which may be needed to effect the aforesaid objects; and said town is also hereby authorized to raise and appropriate, in such manner as it shall determine, such sums of money as shall be necessary to carry out the provisions of this act.

System of sewerage and sewage disposal of the town of Lenox.

SECTION 2. This act shall take effect upon its passage.

Approved May 22, 1893.

AN ACT TO INCORPORATE THE HAVERHILL, GEORGETOWN AND DANVERS STREET RAILWAY COMPANY.

Chap. 384

Be it enacted, etc., as follows:

SECTION 1. Hamilton L. Perkins, Warren W. Potter, William H. Floyd, Charles E. Wood, Charles H. Davis, Walter M. Brewster, Sherman Nelson, Joseph B. Poor, Merrill B. Bailey, their associates and successors, are hereby made a corporation under the name of the Haverhill, Georgetown and Danvers Street Railway Company; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in the general

Haverhill, Georgetown and Danvers Street Railway Company incorporated.

laws that now are or hereafter may be in force relating to street railway companies, except as hereinafter provided.

Location, construction and operation of railway.

Use of tracks of other railway corporations.

SECTION 2. Said company is hereby authorized to construct and operate a railway, with single or double tracks, and with convenient turn-outs and switches, over and upon any streets or highways in the towns of Danvers, Topsfield, Boxford, Georgetown, that part of the town of Groveland lying south of the Boston and Maine railroad tracks and known as South Groveland, and that part of the town of Bradford lying north of the southerly line of Salem street and east of Main street, as shall from time to time be fixed and determined by the selectmen of the said respective towns. Said Haverhill, Georgetown and Danvers Street Railway Company may, when it has completed five miles of track upon the routes above-described, procure from the Lowell, Lawrence and Haverhill Street Railway Company the right to enter upon and use with its cars the tracks of the Lowell, Lawrence and Haverhill Street Railway Company, through and over Main street in said Bradford from its junction with Salem street, the highway bridge connecting Bradford with the city of Haverhill and Bridge street to the junction of Merrimac, Main and Water streets in said Haverhill, upon such terms and conditions and for such compensation as the two companies may agree upon, subject to the approval of the mayor and aldermen of Haverhill and the selectmen of Bradford and the board of railroad commissioners: *provided*, that the said Haverhill, Georgetown and Danvers Street Railway Company shall not have the right to construct and operate its railway as aforesaid in any part of Main street in said Bradford, nor on said bridge, nor any part of Bridge street in said Haverhill, unless at any time the Lowell, Lawrence and Haverhill Street Railway Company shall not own or control tracks in Bradford on Main street, or on said bridge, or in Haverhill on said Bridge street, or shall unreasonably refuse to grant to the said Haverhill, Georgetown and Danvers Street Railway Company the right to enter upon and use with its cars the tracks of the said Lowell, Lawrence and Haverhill Street Railway Company in the aforesaid Main street and from the junction with Salem street and Bridge street; but it is expressly provided that if the companies named herein fail to agree upon the amount of the compensation, or upon the terms and conditions mentioned above, the same

are to be determined by the board of railroad commissioners; and if the said Lowell, Lawrence and Haverhill Street Railway Company shall neglect or refuse to abide by the determination of the said board of railroad commissioners, or if at any time the Lowell, Lawrence and Haverhill Street Railway Company shall not own or control tracks in Bradford on said Main street or on said bridge, or in Haverhill on said Bridge street, or shall unreasonably refuse to enter into such an agreement with the Haverhill, Georgetown and Danvers Street Railway Company, then the latter company may, subject to the approval of the selectmen of Bradford and the mayor and aldermen of Haverhill, extend its tracks and necessary electrical equipment in and through Main street in Bradford, on and over said bridge and into the city of Haverhill to the junction of the streets therein above-named, and operate its cars thereon.

SECTION 3. Said company may acquire by purchase all real estate necessary for its power stations and for all other uses incidental to the proper carrying on of its business.

May purchase real estate.

SECTION 4. Said company may maintain and operate its railway by any improved motive power other than steam, and may, with the consent of the mayor and aldermen of the city of Haverhill and the selectmen of the towns of Groveland, Bradford, Georgetown, Boxford, Topsfield and Danvers, make such underground alteration of the streets and highways, and may erect poles and wires thereon, and may erect and maintain poles and wires upon private land, acquired by purchase or lease, as may be necessary to establish such motive power.

Motive power, alteration of streets, erection of poles and wires.

SECTION 5. The capital stock of said corporation shall not exceed three hundred thousand dollars, but such capital stock may be increased according to the general laws.

Capital stock.

SECTION 6. Said company may, from time to time, by vote of the majority in interest of its stockholders, issue coupon or registered bonds to an amount not exceeding the amount of its capital stock actually paid in, for a term not exceeding twenty-five years from the date thereof, and to secure payment thereof with interest due thereon, the said company may make a mortgage of its road and franchise and other property thereafter to be acquired; and may therein reserve to its directors all right to sell or otherwise in due course of business to dispose of property

May issue mortgage bonds.

included therein which may become worn, damaged or otherwise unsuitable for use in the operation of its road and the transaction of business, provided that an equivalent in value shall be substituted in lieu thereof.

Approval and certification of bonds.

SECTION 7. The bonds issued shall first be approved by some person appointed by the corporation for that purpose, who shall certify upon each bond that it is properly issued and recorded.

To be void unless accepted, or if road is not built and operated, etc.

SECTION 8. If the provisions of this act shall not be accepted by said company, and if said company shall not build and put in operation some portion of its road in any of said towns within eighteen months after the passage of this act, then this act shall be void, and all corporate powers thereunder shall cease; and if there is any portion of said road that is not completed by the building of at least a single line of track within three years from the passage of this act, to that portion said company shall be deemed to have waived its rights, and said rights therein shall thereupon be forfeited and terminated.

May carry on express business and be a common carrier.

SECTION 9. Said company is hereby authorized to carry on the express business, and to be a common carrier for the conveyance of goods and parcels, subject to the provisions of chapter seventy-three of the Public Statutes and of all laws relating to common carriers and express companies.

Approval of issue of bonds by railroad commissioners, etc.

SECTION 10. No stock or bonds shall be issued under this act until the terms of such issue shall have been submitted to the board of railroad commissioners and approved by them; and if they approve such issue, a certificate setting forth such approval shall be executed by said board and filed by said company in the office of the secretary of the Commonwealth.

To be void if road is transferred to a foreign corporation.

SECTION 11. All rights granted under this act shall be null and void in case said road shall be sold or leased to any foreign corporation.

SECTION 12. This act shall take effect upon its passage.

Approved May 22, 1893.

Chap. 385

AN ACT TO AUTHORIZE TRIAL JUSTICES, AND POLICE, DISTRICT AND MUNICIPAL COURTS TO PAY REASONABLE COMPENSATION TO INTERPRETERS AND WITNESSES FROM WITHOUT THE COMMONWEALTH.

Be it enacted, etc., as follows:

Compensation for interpreters and witnesses

Trial justices, and police, district and municipal courts are authorized to allow reasonable compensation to inter-

preters and to witnesses from without the Commonwealth in criminal proceedings before such courts or trial justices. The compensation so allowed shall be paid by the county in which such proceedings are had, in the same manner as is now provided by law for the payment of witness fees.

from without
the Common-
wealth.

Approved May 22, 1893.

AN ACT CONSTITUTING TEN HOURS IN TWELVE CONSECUTIVE HOURS A DAY'S WORK FOR CERTAIN EMPLOYEES OF STREET RAILWAY COMPANIES.

Chap. 386

Be it enacted, etc., as follows :

SECTION 1. A day's work for all conductors, drivers and motormen now employed or who may hereafter be employed by or on behalf of any street railway company in any city or town shall not exceed ten hours' work to be performed within twelve consecutive hours. No officer or agent of any street railway company shall exact from any of its said employees more than the said ten hours' work for a day's labor: *provided, however*, that on all legal holidays, on days when the corporation is required to provide for more than the ordinary travel, and in case of accident or unavoidable delay, extra labor may be performed for extra compensation, and that nothing herein contained shall affect existing written contracts.

A day's work
for certain em-
ployees of street
railway com-
panies.

Proviso.

SECTION 2. Any person violating the provisions of this act shall be fined for each offence a sum not exceeding one hundred dollars.

Penalty.

SECTION 3. This act shall take effect on the first day of August in the year eighteen hundred and ninety-three.

To take effect
Aug. 1, 1893.

Approved May 23, 1893.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ADDITIONAL DISTRICT POLICE OFFICER FOR TEMPORARY SERVICE IN THE INSPECTION OF UNINSURED BOILERS.

Chap. 387

Be it enacted, etc., as follows :

SECTION 1. The governor is hereby authorized to appoint one additional member of the district police force, who shall serve for the term of one year, shall receive a salary of fifteen hundred dollars, and shall, under the direction of the chief of said force, inspect uninsured stationary steam boilers and their appurtenances, in this Commonwealth, and inquire into the ability and com-

District police
officer for the
inspection of
certain steam
boilers.

Report of results of inspection.

petency of the engineers in charge thereof, and report from time to time, as required, to said chief. Said chief shall embody the results of said inspection in his annual report made to the next general court, with such recommendations of legislation as he may think proper.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1893.

Chap. 388 AN ACT TO INCORPORATE THE ESSEX COUNTY STREET RAILWAY COMPANY.

Be it enacted, etc., as follows:

Essex County Street Railway Company incorporated.

SECTION 1. Milton Ellsworth, John A. Marshall, Daniel H. Hale, Frank L. Burke, Calvin R. Titcomb, Theodore F. Cogswell, Charles A. Sayward, William S. Russell, Samuel N. Baker, Daniel D. Stone, Edward C. Tibbetts, Otis F. Brown, Nathaniel Dole, Sidney F. Newman, George H. Plummer, Luther Dame, Edward F. Little and Moses K. Noyes, their associates and successors and assigns, are hereby made a corporation under the name of the Essex County Street Railway Company; with all the powers and privileges and subject to all the duties, conditions and restrictions set forth in all general laws that now are or hereafter may be in force relating to street railway companies, except as hereafter provided.

Location, construction and operation of railway.

SECTION 2. Said company may construct, equip, maintain and operate a railway, with single or double track, and with convenient turn-outs and switches, upon and over any streets or highways in the towns of Newbury, Rowley and Ipswich, as shall be from time to time fixed and determined by the selectmen of the town of Newbury for the town of Newbury, the selectmen of the town of Rowley for the town of Rowley, and the selectmen of the town of Ipswich for the town of Ipswich.

Motive power, alteration of streets, erection of poles and wires, etc.

SECTION 3. Said company may maintain and operate said railway by any approved motive power other than steam, and, with the consent of the said selectmen of the said towns, may make such underground alterations of the streets and highways, and may erect such poles and wires therein, and may erect and maintain such poles and wires on private land taken, as may be necessary to establish said motive power.

Capital stock.

SECTION 4. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, but it

may be increased in accordance with the general laws applicable to street railways.

SECTION 5. Said corporation may from time to time, by a vote of a majority in interest of its stockholders, issue coupon or registered bonds to an amount not exceeding that of its capital stock, for a term not exceeding twenty years from the date thereof: *provided*, that no issue of bonds shall be made unless there shall have been actually paid in an amount of the capital stock equal to the amount of such issue; and to secure payment of such bonds, with the interest thereon, said corporation may by a vote of a majority in interest of its stockholders mortgage its property or franchises.

May issue mortgage bonds.

SECTION 6. No stock or bonds shall be issued under this act until the terms of such issue shall have been submitted to the board of railroad commissioners and approved by them. And if they approve such issue a certificate setting forth such approval shall be executed by said board and filed by said company in the office of the secretary of the Commonwealth.

Approval of issue of bonds by railroad commissioners, etc.

SECTION 7. All rights granted under this act shall be null and void in case said road shall be sold or leased to any foreign corporation.

To be void if road is transferred, etc.

SECTION 8. Said company may purchase or lease at any time any portion of its tracks or plant or that of any other street railway with which it may connect, and may at any time sell or lease to such connecting railway company its railway or any portion of its plant: *provided*, that no contract of lease, sale, purchase or consolidation between said company and any other street railway company or traction company shall be entered into under the provisions of this act until the terms of such contract shall have been first approved by the board of railroad commissioners of this Commonwealth.

Purchase, lease or consolidation with other railway corporations.

SECTION 9. This act shall take effect upon its passage, but shall be void unless said railway is constructed and operated prior to the first day of July in the year eighteen hundred and ninety-six.

To be void if railway is not operated prior to July 1, 1896.

Approved May 26, 1893.

AN ACT TO INCORPORATE THE AMERICAN FOLK-LORE SOCIETY.

Chap. 389

Be it enacted, etc., as follows:

SECTION 1. Frederick W. Putnam, Daniel G. Brinton, Otis T. Mason, Horatio Hale, William Wells Newell,

American Folk-Lore Society incorporated.

John H. Hinton, Franz Boas, H. Carrington Bolton, Alexander F. Chamberlain, Stewart Culin, J. Owen Dorsey, Alice C. Fletcher, J. Walter Fewkes, Alcée Fortier, George Bird Grinnell, David P. Penhallow, and their associates, the officers and members of the society known as The American Folk-Lore Society, their associates and successors, are hereby made a corporation by the name of The American Folk-Lore Society, for the purpose of collecting, preserving and publishing the folk-lore mythology and legends of the American continent, and for the further and incidental purposes of receiving, purchasing, holding and conveying real and personal property; with all the duties and privileges and subject to the restrictions, duties and liabilities set forth in the general laws which now are or hereafter may be in force and applicable to such corporations.

Real and personal estate;
meetings.

SECTION 2. Said corporation may have and hold by purchase, grant, gift or otherwise, real estate not exceeding fifty thousand dollars in value, and personal estate not exceeding one hundred thousand dollars in value, and said corporation may hold its meetings without the Commonwealth.

First meeting.

SECTION 3. Any two of the corporators above-named are hereby authorized to call the first meeting of the said corporation at any time during the year eighteen hundred and ninety-three, by notice thereof by mail to each member of the said society.

SECTION 4. This act shall take effect upon its passage.

Approved May 26, 1893.

Chap. 390

AN ACT TO AUTHORIZE THE WOONSOCKET ELECTRIC MACHINE AND POWER COMPANY OF RHODE ISLAND TO ERECT AND MAINTAIN POLES AND WIRES AND FURNISH ELECTRIC LIGHT AND POWER IN THE TOWNS OF BELLINGHAM AND FRANKLIN.

Be it enacted, etc., as follows:

May furnish electric light and power in the towns of Bellingham and Franklin.

SECTION 1. The Woonsocket Electric Machine and Power Company of Woonsocket, in the state of Rhode Island, is hereby authorized to construct and operate lines for the transmission of electricity for the purpose of furnishing light and power upon and along the highways and public roads of the towns of Bellingham and Franklin in this Commonwealth, and to erect and maintain upon said highways and public roads, such posts and other fixtures as may be necessary to sustain the wires and other fixtures

of its lines; and to extend such wires across the state line into said towns and append and support such fixtures upon such poles and other supporting fixtures.

SECTION 2. Said Woonsocket Electric Machine and Power Company shall be subject to all general laws of this Commonwealth relating to the erection, maintenance and operation of lines for electric light and power which are now or may hereafter be in force. Said corporation shall be subject to the supervision and control of the board of gas and electric light commissioners of this Commonwealth in respect to its business done within this Commonwealth, in the same manner and to the same extent as if incorporated under the laws thereof.

Subject to general laws and supervision of gas and electric light commissioners.

SECTION 3. Said company shall appoint in writing an agent for each of the towns of Bellingham and Franklin, who shall reside in the town for which he is appointed agent of the company, and whose appointment shall be filed with the town clerk of the town in which each such agent resides; and service of legal process made upon such agent shall have the same legal effect as if the company were established under the laws of this Commonwealth and such service were made upon the corporation itself.

Agents in Bellingham and Franklin upon whom legal process may be served.

SECTION 4. A failure or neglect, continuing for fourteen days after demand upon or notice to its agent appointed as aforesaid, to pay and satisfy an execution or comply with a decree of court against it, shall be deemed sufficient ground for a forfeiture of its rights under the foregoing provisions of this chapter, such forfeiture to be enforced by information brought by the attorney-general in his discretion.

Failure or neglect of agent, etc., sufficient ground for forfeiture of rights, etc.

SECTION 5. The selectmen of said towns of Bellingham and Franklin may, after due notice and hearing, revoke any permission or direction given by virtue of the provisions of this act, and order the poles, wires and other fixtures of said company to be removed from said public roads and highways; and all such poles, wires, fixtures and other property of said company not removed within a reasonable time thereafter shall be forfeited to said town.

Selectmen may revoke any permission or direction given, etc.

SECTION 6. The selectmen of said Bellingham and Franklin shall have the power at all times to make such regulations in relation to the use and operation of wires and the mode and purpose of use thereof, within the limits of their respective towns, as the public convenience and safety may require.

Selectmen to make suitable regulations, etc.

Approved May 26, 1893.

Chap.391

AN ACT TO INCORPORATE THE SCITUATE WATER COMPANY.

*Be it enacted, etc., as follows:*Scituate Water
Company incor-
porated.

SECTION 1. D. Sanford Jenkins, Louis T. Cushing, James N. Turner, James B. Fuller and Moyses R. Simmons, their associates and successors, are hereby made a corporation by the name of the Scituate Water Company, for the purpose of supplying the inhabitants of the town of Scituate with water for the extinguishment of fires and for domestic, manufacturing and other purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

May take cer-
tain waters,
lands, etc.,
erect dams, etc.

SECTION 2. Said corporation, for the purposes aforesaid, may lease, take, acquire by purchase or otherwise, and hold the waters of Satuit brook within the limits of said town of Scituate, and all water rights connected therewith, and obtain and take water by means of bored, driven, artesian or other wells, on land within the limits of said town of Scituate, on the southerly side of Willow street and easterly of the tracks of the Old Colony Railroad Company, and hold them and convey said waters through said town; and may also take and hold, by lease or otherwise, all lands, rights of way and easements necessary for holding and preserving such water and conveying the same to any part of said town, and erect on the land thus taken or held proper dams, fixtures or other structures; and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, over and under any lands, water courses, railroads, highways, town ways, public or private ways of any nature, kind or description, and along such ways, and in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing said conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and, under the direction of the board of selectmen of said town of Scituate, enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon. The right hereinbefore granted to dig up

May construct
and lay down
conduits, pipes,
etc.

said lands and ways, to lease, take, acquire and hold waters and convey them through said town for the purpose of the establishment and maintenance of complete and effective water works, shall apply equally to waters now owned by said persons named in section one of this act, or any of them, and to structures, dams, conduits and other appurtenances to complete and effective water works, now owned and laid by them or either of them.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the county of Plymouth a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same were taken, signed by the president of the corporation.

A description of lands, etc., taken to be recorded in registry of deeds, etc.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of two years from the taking of such land or other property or the doing of any injury under the authority of this act; but no such application shall be made after the expiration of said two years. No application for assessment of damages shall be made for the taking of any water, water rights or water source, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Damages.

SECTION 5. The said corporation may distribute the water through said town of Scituate; may regulate the use of said water and fix and collect the rates to be paid for the use of the same; and may make such contracts with the said town or with any fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishment of fire or for any purposes, as may be agreed upon by said town or such fire district, individual or corporation,

Distribution of water; rates, contracts, etc.

and said corporation; and may establish public fountains and hydrants and relocate and discontinue the same.

Real estate,
capital stock,
mortgage bonds,
etc.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in value twenty thousand dollars, and the whole capital stock of said corporation shall not exceed sixty thousand dollars, to be divided into shares of one hundred dollars each; and said corporation may issue bonds to an amount not exceeding the amount of its capital stock actually paid in and applied to the purpose of its incorporation, and may secure the same at any time by a mortgage of its franchise and property.

Town of Scitu-
ate may take
franchise, prop-
erty, etc.

SECTION 7. The town of Scituate shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation, on payment to said corporation of the actual cost of its franchise, works and property of all kinds held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of said purchase or taking, as herein provided, at the rate of five per cent. per annum. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation for that year, then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year then such excess shall be deducted from the total cost. An itemized statement of the receipts and expenditures of the said corporation shall be annually submitted to the selectmen of the town of Scituate and by said selectmen to the citizens of said town. If said corporation has incurred indebtedness, the amount of such indebtedness outstanding at the time of such taking shall be assumed by said town, and shall be deducted from the amount required to be paid by said town to said corporation under the foregoing provisions of this section. This authority to purchase such franchise and property is granted on condition that the purchase is assented to by said town by a two thirds vote of the voters of said town present and voting thereon at a meeting legally called for that purpose, and at which there are present and voting not less than one hundred of the legal voters of said town.

Annual state-
ment to be
made.

Authority to
purchase to be
assented to by
a two thirds
vote.

SECTION 8. The said town may, for the purpose of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate one hundred thousand dollars; such bonds, notes and scrip shall bear on their face the words, Scituate Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of said town and be countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. And said town shall pay the interest upon said loan as it accrues, and shall provide for the payment of said principal at maturity, by establishing at the time of contracting said debt a sinking fund, or from year to year by such proportionate payments as will extinguish the same within the time prescribed by this act. In case said town shall decide to establish a sinking fund it shall contribute thereto annually a sum sufficient with its accumulations to pay the principal of said loan at maturity; and said sinking fund shall remain inviolate and pledged to the payment of said debt and shall be used for no other purpose. If said town shall decide to pay the principal of said loan by proportionate annual payments the amount necessary to make such payments shall, without further vote of said town, be raised annually by taxation, in the same way as money is raised for other municipal expenses.

Scituate Water
Loan, not
exceeding
\$100,000.

Sinking fund
or proportionate
payments.

SECTION 9. The returns required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken for the payment of annual proportions of said bonded debt, as hereinbefore provided, and the amount raised and expended therefor for the current year.

Return of
amount of sink-
ing fund or
proportionate
payments.

SECTION 10. After the purchase of said franchise and corporate property, as herein provided, the said town shall raise annually by taxation a sum which with the income derived from the sale of water shall be sufficient to pay the current annual expenses of operating its water works

Payment of
expenses, inter-
est, etc.

Extension of
water works,
etc.

and the interest accruing on the bonds issued by said town, together with such payments on the principal as may be required under the provisions of this act. Said town is further authorized by assent of two thirds of the voters of said town present and voting thereon at a legal meeting called for the purpose, to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing additional appliances and fixtures connected therewith, not exceeding three thousand dollars in any one year.

Water commis-
sioners, elec-
tion, powers,
duties, etc.

SECTION 11. The said town shall, after its purchase of said franchise and corporate property, as provided in this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual meeting, to constitute a board of water commissioners; and at each annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act and not otherwise specifically provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. The said commissioners shall be the trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal meeting called for the purpose. No money shall be drawn from the town treasury on account of said water works except by a written order of said commissioners or a majority of them. Said commissioners shall annually make a full report to said town, in writing, of their doings and expenditures.

Security for
payment of
damages, etc.

SECTION 12. The county commissioners for the county of Plymouth shall, upon application of the owner of any land, water or water rights taken under this act, require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the said county commissioners shall, if application therefor is made by either

party, make an estimate of the damages which may result from such taking; and the said county commissioners shall in like manner require further security if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for the purposes of making surveys, shall be suspended until it gives the security required.

SECTION 13. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by the persons herein named, or their successors or assigns, under the authority and for the purposes of this act, shall forfeit and pay to said persons above-named, their successors or assigns, three times the amount of damages assessed therefor, to be recovered by an action of tort; whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used under the authority of and for the purposes of this act, shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for wilful corruption or pollution of water, etc.

SECTION 14. The said town may adopt by-laws prescribing by whom and how meetings may be called and notified; the said town may also provide rules and regulations for the management of its water works, and not inconsistent with this act or the laws of the Commonwealth, and may choose such other officers not provided for in this act as it may deem proper and necessary.

Management of water works, etc.

SECTION 15. This act shall take effect upon its passage, but shall become void unless work under this act is commenced within three years from the date of its passage.

To be void unless work is commenced within three years.

Approved May 26, 1893.

AN ACT AUTHORIZING THE TREASURER OF THE COMMONWEALTH TO RECEIVE AND HOLD THE SUM OF ONE HUNDRED THOUSAND DOLLARS GIVEN TO THE COMMONWEALTH IN TRUST FOR THE BENEFIT OF THE MILLICENT LIBRARY CORPORATION.

Chap. 392

Be it enacted, etc., as follows:

SECTION 1. The treasurer of the Commonwealth may receive and hold in trust the sum of one hundred thousand dollars given to the Commonwealth of Massachusetts by

Treasurer to hold \$100,000 in trust, etc.

Henry H. Rogers of New York, for the benefit of the Millicent Library Corporation, for the purposes of a public library in Fairhaven. For the faithful management of the property so received by the treasurer he shall be responsible upon his bond to the Commonwealth, as for other funds received by him in his official capacity.

Commissioners
for management
of fund.

SECTION 2. The secretary of the board of education and the treasurer of the Commonwealth shall be commissioners, whose duty it shall be to invest and reinvest in the name of the Commonwealth the fund derived from such gift; to manage the same and to report annually to the general court on the condition and income thereof. All investments and reinvestments of said fund, or any part thereof, shall be made with the approval of the governor and council.

Semi annual
payments of
income of fund,
etc.

SECTION 3. The treasurer of the Commonwealth shall pay over the net income derived from such gift, semi-annually, to the said Millicent Library Corporation, for the maintenance or improvement of its public library, in accordance with the terms of such gift. The receipt of the treasurer of the Millicent Library Corporation shall be a complete discharge to the treasurer of the Commonwealth for the amount so paid over; and in case of all payments so made the treasurer of the Commonwealth shall not be held accountable in any way for the application thereof. The net income of the said fund shall be determined after deducting all necessary and proper expenses incurred in the administration of said fund, and after reserving such amount of the gross income as in the opinion of said commissioners is necessary to maintain the principal of said fund intact.

To take effect
upon receipt
of gift.

SECTION 4. This act shall take effect upon the receipt by the treasurer of the Commonwealth of the said gift of one hundred thousand dollars.

Approved May 26, 1893.

Chap. 393 AN ACT TO PROVIDE A WATER SUPPLY FOR THE STATE CAMP GROUND AT FRAMINGHAM.

Be it enacted, etc., as follows:

Water supply
for state camp
ground.

SECTION 1. For the purpose of securing a water supply for the state camp ground at Framingham the adjutant general is hereby authorized, in the name and behalf of the Commonwealth, to take and hold the waters of Leon-

ard's pond in said Framingham, or any other source of water supply situated near said camp ground, and take and hold, by purchase or otherwise, within three months after the passage of this act, such lands, rights of way and easements in said town as may be necessary for holding and preserving any such water supply and for conveying the same to any part of said camp ground, and may erect on land thus taken or held, proper dams, buildings, fixtures and other structures and make excavations necessary for the construction and maintenance of water works; and may construct and maintain conduits, pipes and other works, through or over any lands, water courses, public or private ways, and along such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, may dig up any such lands, and, under the direction of the selectmen of said town, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel.

SECTION 2. Said adjutant general shall, within sixty days after the taking of any lands, otherwise than by purchase, cause to be recorded in the registry of deeds for the county of Middlesex, southern district, a description of the lands so taken, as certain as is required in a common conveyance of lands, with a statement that said lands are taken under the authority of this act; and the title of any lands so taken shall vest in the Commonwealth.

A description of lands taken to be recorded in registry of deeds, etc.

SECTION 3. The Commonwealth shall pay all damages sustained by persons in their property by such takings; and if any person sustaining damage and the governor and council fail to agree as to the amount of damages so sustained, said person or the governor and council may, within one year from such taking, file in the office of the clerk of the superior court for the county of Middlesex a petition for a jury to determine such damages, and thereupon, after such notice as said court shall order, the damages shall be determined by a jury in said court in the same manner as damages for lands taken for highways are determined, and costs shall be taxed as in civil cases. Said damages and the amounts agreed to, where the terms of purchase are established by agreement, shall be paid from the treasury of the Commonwealth, in the same manner as other lawful claims, upon the execution of such

Damages.

release or conveyance by the party or parties in interest as shall be prescribed by the attorney-general.

SECTION 4. This act shall take effect upon its passage.

Approved May 26, 1893.

Chap.394 AN ACT RELATING TO THE COMPENSATION OF ATTORNEYS ASSIGNED BY THE COURT IN MURDER CASES

Be it enacted, etc., as follows :

Expenses of attorney assigned by court in murder cases.

SECTION 1. Reasonable expenses incurred and paid by any attorney assigned by the court for the defense of a person indicted for murder, such person being otherwise unable to procure counsel, shall be paid by the county in which the trial or other proceedings take place, provided such expenses have been approved by any justice of the superior court, sitting in the trial or other proceedings of the case.

Compensation.

SECTION 2. Any justice of the superior court sitting in the trial or other proceedings of the case may allow reasonable compensation for the services rendered by any attorney who is assigned to defend any person indicted for the crime of murder, such person being otherwise unable to procure counsel, which shall be paid by the county in which the trial or other proceedings take place.

SECTION 3. This act shall apply to cases now pending.

Approved May 26, 1893.

Chap.395 AN ACT RELATIVE TO THE BUILDING OF AN ASYLUM FOR THE CHRONIC INSANE.

Be it enacted, etc., as follows :

Expenditure authorized for the building of an asylum for the chronic insane.

The building committee appointed under authority of chapter four hundred and twenty-five of the acts of the year eighteen hundred and ninety-two are authorized to expend for the purposes named and under the conditions prescribed in said act, the sum of two hundred thousand dollars in addition to the amount authorized by section three of said act: *provided, however,* that no portion of the sum above-mentioned shall be expended during the years eighteen hundred and ninety-three and eighteen hundred and ninety-four.

Approved May 26, 1893.

AN ACT REVISING AND CONSOLIDATING THE LAWS RELATING TO DISTRICT AND POLICE COURTS. *Chap. 396*

Be it enacted, etc., as follows :

SECTION 1. The several counties, by their commissioners, shall provide suitable places for holding the several district and police courts of the Commonwealth in the cities and towns where by law they are required to be held, and to that end said commissioners shall have authority to erect or hire suitable buildings or rooms and to furnish the same, and to provide for the heating and care thereof, and to do all other things incidental thereto, the expense thereof to be paid from the county treasury. The justices and clerks of said courts may obtain, by purchase or otherwise, all books, blanks, stationery and other incidentals required by said courts, the expenses of which shall be certified by the justices thereof monthly and transmitted to the said commissioners, who shall audit the same and order payment thereof to the parties entitled thereto, like other demands against the county.

Places, etc., to be provided for the holding of district and police courts, etc.

SECTION 2. There shall be one justice and two special justices of each of said courts. The justices and special justices now appointed shall continue to hold their offices according to the tenor of their commissions ; and as vacancies occur, other justices and special justices shall be appointed in the manner provided by the constitution.

One justice and two special justices for each court.

SECTION 3. All clerks of district and police courts, except as provided in the three following sections, shall be appointed by the governor with the advice and consent of the council, and shall hold their offices for the term of five years. The present clerks of said courts shall hold their several offices for the terms for which they have been commissioned.

Clerks, appointment by governor and council, term of office.

SECTION 4. The justice of any of said courts, when no clerk is required by law, may appoint a clerk, to be paid by him, for whose official acts and doings he shall be responsible, and who shall hold his office during the pleasure of said justice.

Clerk, appointment by justice, term of office.

SECTION 5. The clerk of any of said courts may, subject to the approval of the justice, appoint from time to time to aid him in the discharge of his duties one or more assistant clerks, who shall be removable at the pleasure of the clerk, or of the court, for whose doings he shall be

Assistant clerks.

responsible, and who shall be paid by him, except in cases where salaries are allowed and fixed by law.

Clerk pro tempore.

SECTION 6. In case of the absence, death or removal of a clerk, the justice may appoint a clerk pro tempore, who shall have and exercise all the powers and perform all the duties of the clerk, and act until the clerk resumes his duties, or the vacancy is filled by appointment by the governor.

Bond of clerk, or justice when no clerk is required by law.

SECTION 7. The clerk of any of said courts, or the justice thereof when no clerk is required by law, before entering upon the duties of his office, shall give bond to the treasurer of the county, with sufficient sureties to be approved by some justice of the superior court, in the sum of one thousand dollars, with condition to account for and pay over as required by law, and at the time so required, all fines, forfeitures, fees and moneys which he shall receive in the exercise of his office. A failure so to account or pay over shall be a breach of his bond, and a failure to give such bond shall be a sufficient cause for his removal from office.

Clerks to be sworn, powers, duties, office hours, etc.

SECTION 8. Clerks, assistant clerks and clerks pro tempore of said courts shall be sworn. They or one of them shall attend all sessions of the court, unless a different provision in any particular case has been made by law, and keep a record of all its proceedings. The clerk, when the office of clerk is established by law, may make and issue warrants, writs and processes, shall make all returns of the court, tax all bills of cost, and receive all fines, forfeitures, fees and costs accruing from the business of the court in civil and criminal cases, including fees for blanks and copies, and when no clerk is appointed, the justice shall keep a record of the proceedings and perform all the other duties of a clerk. The clerk shall keep his office open during such hours as the court shall order.

Accounting and payment of fees, expenses, etc., by clerks.

SECTION 9. Clerks of said courts shall, on or before the tenth day of January, April, July and October, in each year, account for and pay over to the county all moneys received by them from civil business, including fees for blanks and copies, and to the cities and towns all fines and forfeitures received by them and payable to any city or town, and render to the treasurers thereof a detailed account on oath of the same, said payments to include the balances due and payable at the end of the

quarter next preceding the day of payment: *provided*, that they shall at the end of a criminal case, or inquest, in which fees and expenses accrue, pay the fees and expenses of officers entitled to such by law, from the funds in their hands payable to the city or town liable by law for the payment of such fees and expenses, if they have sufficient funds therefor, and the fees of witnesses for the Commonwealth entitled to such by law, from the funds furnished them by the county treasurer for that purpose, or out of any funds paid into court and payable to the county, except naturalization fees, and the amounts so paid shall be allowed in their settlement with the county, city and town treasurers.

SECTION 10. No justice, clerk or assistant clerk of any district or police court shall be retained or employed as attorney in a suit, complaint or proceeding pending in his court, or which has been examined or tried therein; and no special justice shall be so retained or employed in any case in which he officiates or has officiated.

Justices and clerks, not to act as attorneys, etc.

SECTION 11. No justice, or special justice when acting in the place of the justice, and no clerk or assistant clerk of any such court, shall receive any fee or compensation to his own use, besides his regular salary or allowance, for making or issuing in any capacity, complaints, warrants, subpœnas, or other criminal processes which he is authorized by law to issue, or for any official services performed by him in court. No such clerk shall receive, in addition to his salary, any fee or compensation for making out bail papers, or admitting a prisoner to bail while the court is in session, or during the hours when his office is required to be open.

not to receive fees, etc.

SECTION 12. District and police courts shall have original jurisdiction within the counties in which they are held, exclusive of the superior court, of all actions of replevin for beasts distrained or impounded in order to recover a penalty or forfeiture supposed to have been incurred by their going at large, or to obtain satisfaction for damages alleged to have been done by them; of summary processes to recover land under chapter one hundred and seventy-five of the Public Statutes; and of all actions of contract, tort or replevin, where the debt or damages demanded or the value of the property alleged to be detained does not exceed one hundred dollars; and shall have original and concurrent jurisdiction with the superior

Jurisdiction.

court of actions of contract, tort or replevin where the debt or damages demanded or the value of the property alleged to be detained is more than one hundred and does not exceed one thousand dollars, and of actions to enforce liens under chapter one hundred and ninety-one of the Public Statutes, where the amount of the claim does not exceed one thousand dollars.

Courts in which civil actions shall be brought, etc.

Jurisdiction in certain cases.

Courts may issue scire facias against executors, etc.

Within what time to be served.

Limit of jurisdiction in such case.

Writs, forms of, where to run, etc.

SECTION 13. Civil actions brought in said courts shall be brought in the court in whose district some one of the parties lives or has his usual place of business: *provided*, that actions of summary process to recover land under chapter one hundred and seventy-five of the Public Statutes shall be brought in the court in whose district the premises in controversy are situated. The jurisdiction of said courts, when some one of the parties lives or has his usual place of business or the premises aforesaid are situated in their district, shall exclude the jurisdiction of trial justices. This section shall not be construed to give said courts jurisdiction of transitory and personal actions unless some one of the defendants or in the trustee process all the persons named in the writ as trustees live or have their usual place of business in the county in which the action is brought.

SECTION 14. Said courts may issue writs of scire facias against executors and administrators, upon a suggestion of waste after a judgment against them, and also against bail taken in a civil action before them, and proceed to judgment and execution in the same manner as the superior court might do in like cases.

SECTION 15. Such writs shall be served not less than seven days before the return day, which shall be not more than sixty days from the date thereof, and may run into any county in which the defendant may be found.

SECTION 16. It shall be no bar to such suit that the debt and costs on the original judgment together exceed one thousand dollars; but judgment and execution may be awarded by the court for the whole sum due to the plaintiff with costs of the new suit.

SECTION 17. The original writ in all civil actions commenced before said courts shall be a summons or a capias and attachment, the forms of which shall be regulated as provided in chapter one hundred and sixty-one of the Public Statutes, and shall be returned not more than sixty days from the date thereof, and may run throughout

the county in which the court to which it is returnable is held; and into any other county for the purpose of attaching property therein; or for service on a defendant residing in another county when one of several defendants resides within the district of such court; or on a defendant residing in another county when a person dwelling or having his usual place of business in the county where the court is held is summoned as a trustee; and for service on a defendant in an action of forcible entry and detainer; and may be directed to and served by any officer qualified to serve civil process, such service if made in another county to be made fourteen days at least before the return day; except in case of trustee process original writs issued by said courts may be made returnable to any district or police court in the Commonwealth. Executions may be served and shall be obeyed in every county to which they are directed.

SECTION 18. When an attachment is made upon a writ returnable before a district or police court, and the defendant is out of the state, so that no service can be made on him, and he has no agent or attorney residing within the state, the court may order the action to be continued until notice thereof is given to the defendant in such manner as the court shall order. Upon proof of such notice having been given, if the defendant fails to appear on the return day of such notice, judgment may be entered and execution issued for the plaintiff, upon his giving bond to the defendant with sufficient surety for double the sum for which execution is to be issued, to repay the amount recovered, if within one year from the rendition of judgment proceedings are begun to reverse said judgment and it is reversed.

Service of writs on absent defendants, etc.

SECTION 19. If a person duly served with process issued by said courts fails to appear and answer thereto, his default shall be recorded and the charge against him in the declaration taken to be true. Upon such default, or when the plaintiff maintains his action upon a trial, the court shall award and enter judgment for such sum, not exceeding the amount of its jurisdiction in the case, as upon inquiry it finds the plaintiff is entitled to recover with costs. If the plaintiff fails to enter and prosecute his action or if upon trial he does not maintain the same the defendant shall recover judgment for his costs.

Judgment, for plaintiff on default, etc.

for defendant.

Judgment to be final when offer is filed under P. S. 167, §65.

SECTION 20. When the defendant files an offer of judgment in said courts, under the provisions of section sixty-five of chapter one hundred and sixty-seven of the Public Statutes, and judgment is rendered thereon, such judgment shall be final.

P. S. 155, §§24, 25, 26, not to apply.

SECTION 21. Sections twenty-four, twenty-five and twenty-six of chapter one hundred and fifty-five of the Public Statutes shall not hereafter apply to actions before district and police courts.

Return day, etc.

SECTION 22. Saturday of each week shall be the return day for writs, processes, notices to appear and citations in all civil actions and proceedings in said courts: *provided*, that nothing contained in this section shall affect the power of said courts to make notices or citations returnable at other times.

Defendants to file an answer to the declaration in all civil actions, etc.

SECTION 23. Defendants shall file an answer to the declaration in all civil actions in said courts, and sections nine, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, forty, forty-one and eighty-one of chapter one hundred and sixty-seven of the Public Statutes, in addition to those named in section eighty-nine of said chapter, shall apply to all such actions.

Appeal allowed to the superior court, etc.

SECTION 24. A party aggrieved by the judgment of a district or police court in a civil action, may within twenty-four hours after the entry of the judgment appeal therefrom to the superior court then next to be held in the county; in which case no execution shall issue on the judgment appealed from, and the case shall be entered, tried and determined, in the court appealed to, in like manner as if it had been originally commenced there.

Appellant to file a bond, etc.

SECTION 25. No appeal from a judgment of a district or police court in any civil action or proceeding, except actions under chapter one hundred and seventy-five of the Public Statutes, shall be allowed, except as provided in the four following sections, unless the appellant within twenty-four hours after the entry of judgment files a bond with a surety or sureties to the adverse party, to be approved by the adverse party or by the justice or the clerk, in a reasonable sum to be fixed by the justice or the clerk, or approved by the adverse party, with condition to enter and prosecute his appeal with effect, and to satisfy, within thirty days of the entry thereof, any judgment for costs

which may be entered against him in the superior court upon said appeal, provided that the justice or clerk may for cause shown extend the time for filing such bond. The attorney of record of the appellant may execute such bond in his behalf.

SECTION 26. In lieu of filing a bond as provided in the preceding section, the appellant, or any person in his behalf, may, with the like effect, deposit with the clerk of the court rendering the judgment, or with the justice of such court having no clerk, a reasonable sum to be fixed by the clerk or justice as security for the prosecution of the appeal and the payment of the costs. A certificate of such deposit shall be issued to the depositor by the clerk or justice receiving the same.

Appellant may make money deposit.

SECTION 27. The clerk or justice receiving such sum shall transmit the same with the papers to the clerk of the superior court to which the appeal is taken, who shall thereupon deliver or forward his certificate therefor to such clerk or justice.

Money, to be sent up with papers.

SECTION 28. The clerk of the superior court shall hold such sum until the final disposition of the case, when he shall pay the same or any part thereof to the party for whose security it was originally deposited, for his costs, or to the depositor thereof, as the court may order. Said court or a justice thereof may also give directions as to the manner of keeping such deposit.

how to be held.

SECTION 29. When an appeal is claimed by the defendant in an action before a district or police court in which such defendant has given a bond to dissolve the attachment made in such case as provided by law, except in proceedings under chapter one hundred and seventy-five of the Public Statutes, and when an appeal is claimed by the plaintiff in a replevin suit, no bond or deposit shall be required for the allowance of such appeal.

Bond or deposit not required when bond to dissolve is given, etc.

SECTION 30. When an appeal is taken in a civil action or proceeding in said courts, the clerk, or if there is no clerk the justice, shall transmit the original writ or process and all papers connected with or filed in the case, including bonds, and also a brief certificate of the proceedings, to the clerk of the superior court, and the same shall be there entered by the appellant, and if the appellant fails there to enter and prosecute his appeal the superior court may on complaint of the adverse party affirm the former judgment or render such other judgment as law and justice may require.

Papers to be transmitted, judgment if appellant fails to prosecute appeal.

Records in cases
appealed.

SECTION 31. In an action or proceeding so appealed the clerk of the district or police court, or justice when the court has no clerk, shall cause to be entered in a docket the names of all the parties to the same, the nature of the action or proceeding, with all the doings of the court thereon and the final disposition of the same, with the amount of costs taxed for court, service and witnesses, and no other record thereof shall be required.

Pleadings on
appeal.

SECTION 32. A case so appealed may be tried in the court appealed to, upon the issue joined before the district or police court, or the court may order the defendant to plead in the usual manner, and the case shall then be tried upon such issues as may be joined therein.

Final judgments
may be reex-
amined and
tried anew, etc.

SECTION 33. Final judgments in civil actions in district or police courts where the execution has not been satisfied, in whole or in part, may be reexamined and tried anew on petition therefor filed within one year after the recovery of judgment, and on a bond given as provided in section nineteen of chapter one hundred and eighty-seven of the Public Statutes. After the filing of such petition and bond the court may order notice to the adverse party, and may issue a stay or a supersedeas of any execution and an order for a return of the same, with a certificate of any proceedings thereon, and if after such notice the court is of opinion that there is sufficient cause it may vacate the judgment, stay and supersede the execution and order the action to be tried anew and disposed of as if said judgment had not been rendered.

Jurisdiction of
crimes under
the degree of
felony, etc.

SECTION 34. District and police courts shall have original jurisdiction concurrent with the superior court of all crimes and offences under the degree of felony committed within their respective counties, except conspiracies and libels and cases where a prosecution by indictment or information is required by law, and each of said courts may impose the same penalties that may be imposed by the superior court in like cases: *provided*, that the jurisdiction of said courts, in all matters relating to crimes and offences committed in their respective judicial districts, shall exclude the jurisdiction of other district, municipal and police courts and trial justices, but an offence committed on the boundary line of two such districts, or within fifty rods of such line, may be alleged to have been committed and may be prosecuted and punished in either district.

SECTION 35. They shall have jurisdiction, as aforesaid, of felonies punishable by imprisonment other than for life, committed by juvenile offenders under seventeen years of age, and upon conviction may sentence such offenders to any punishment provided by law for the offence, other than imprisonment in the state prison, or may commit them to any institution established by authority of the laws of the Commonwealth for the reformation of juvenile offenders, or may order the offenders to recognize with surety or sureties for their appearance before the superior court in due course of law.

Jurisdiction, of felonies committed by juvenile offenders.

SECTION 36. They shall have jurisdiction, as aforesaid, of the offence of assault and battery, including cases of assault and battery with a weapon dangerous to life when there is no intent shown to commit a felony, except when committed in the commission of or in the attempt to commit a felony, or when the life of the person assaulted is in danger, or such person is maimed, and may punish persons found guilty of such offence by imprisonment in the jail or house of correction, or, if the defendant is a female above the age of seventeen years, in the reformatory prison for women, for a term not exceeding one year or by fine not exceeding one hundred dollars.

in certain criminal cases.

SECTION 37. They may punish by fine not exceeding fifty dollars or by imprisonment in the jail or house of correction not exceeding six months, persons found guilty of disturbing the peace to the great damage and common nuisance of the citizens of the Commonwealth inhabiting, being and residing in the place where such disturbance occurs, also affrayers, rioters, all who go armed offensively to the terror of the people, and such as utter menaces or threatening speeches, or are otherwise dangerous and disorderly persons.

of breaches of the peace.

SECTION 38. They shall have jurisdiction, as aforesaid, of larcenies; of offences of obtaining property by any false pretence, or privy or false token, or by any game, device, sleight of hand, pretended fortune telling, trick or other means, by the use of cards or other implements or instruments; and of offences of buying, receiving, or aiding in the concealment of stolen goods or other property, where the property alleged to be stolen or so obtained, bought, received, or the concealment of which is so aided, is not alleged to exceed the value of one hundred dollars; and in such cases may punish persons

of larcenies, etc., and other offence where property does not exceed \$100.

found guilty of any of said offences, by imprisonment in the jail or house of correction not exceeding two years or by fine not exceeding one hundred dollars.

Jurisdiction, of
indecent exposure,
common
nuisances, etc.

SECTION 39. They shall have jurisdiction, as aforesaid, of the offence of indecent exposure of the person; of violation of the provisions of section one hundred and three of chapter two hundred and three of the Public Statutes, when the value of the property destroyed is not alleged to exceed one hundred dollars; of all nuisances at common law; and of the offence at common law of keeping and maintaining a common, ill governed and disorderly house; and in such cases may punish by fine not exceeding one hundred dollars or by imprisonment in the jail or house of correction not exceeding one year.

of offences
against city and
town by-laws,
ordinances, etc.

SECTION 40. They shall have jurisdiction of offences against city and town by-laws, orders and ordinances, and of violation of the laws and regulations relating to the public health, and of complaints for defective highways.

May require
recognizance to
keep the peace,
etc.

SECTION 41. They may require persons found guilty of any offence within their final jurisdiction, except those named in the preceding section, in addition to the punishment prescribed by law, to recognize in sufficient sureties, in a reasonable sum, to keep the peace or be of good behavior, or both, for a term not exceeding one year, and to stand committed until they so recognize. The provisions of sections thirteen, sixteen and seventeen of chapter two hundred and eleven of the Public Statutes shall apply to recognizances so taken.

May issue warrants, commit,
bind over for
trial, punish,
etc.

SECTION 42. They may receive complaints and issue warrants and other processes for the apprehension of persons charged with criminal offences, and found within their county, or who after committing offences therein escape therefrom, returnable before some court or trial justice of the county having jurisdiction of the examination of the person charged with the offence, and shall commit or bind over for trial in the superior court those brought before them who appear to be guilty of crimes or offences not within their final jurisdiction, and punish those guilty of offences within their jurisdiction: *provided*, that they may in their discretion decline to exercise final jurisdiction in any case in which the superior court has concurrent jurisdiction, and commit or bind over the defendant for trial, as aforesaid, if he appears to be guilty of the offence charged.

Proviso.

SECTION 43. Justices and special justices of said courts shall be conservators of the peace, and as such upon view of an affray, riot, assault or battery within their respective districts may, without a warrant in writing, command the assistance of every sheriff, deputy sheriff, constable and police officer, and all others present, for suppressing the same, and for arresting all that are concerned therein, and persons so arrested shall be brought before some court or trial justice for examination. They shall examine into treasons, felonies, high crimes and misdemeanors, and shall cause to be arrested all persons charged with committing offences, and may at any time receive complaints and issue warrants, including search warrants, under their own hands and seals, returnable before some court or trial justice having jurisdiction of the examination of the person charged with the offence.

General powers,
of justices and
special justices.

SECTION 44. Clerks of district and police courts, where the office of clerk is established by law, may receive complaints, administer to complainants the oath required thereto, and issue warrants, including search warrants, or summonses, returnable as required in case of such processes issued by said courts.

of clerks
where office is
established by
law.

SECTION 45. The issuing of a warrant by said courts may be dispensed with in any case where a person charged with an offence has been arrested without a warrant and brought before the court or admitted to bail, but in such case the officer making the arrest shall indorse upon the complaint a statement of his doings, in the nature of a return.

Warrant may be
dispensed with,
etc., officer to
indorse state-
ment on com-
plaint, etc.

SECTION 46. Warrants and other criminal processes issued by said courts, justices and clerks, may be directed to and served by a constable or police officer of any city or town in which the court has jurisdiction, and by any officer authorized to serve criminal process, in any county; and said courts, justices, special justices and clerks may issue summonses or other processes for witnesses in criminal cases, to run throughout the Commonwealth, to be served by the sheriff, his deputy, or by a constable or police officer, in his own county, city or town, or in any other county, city or town, in which any witness may be.

Warrants, etc.,
how directed
and served, etc.

Summonses,
etc., to run
throughout the
Commonwealth,
etc.

SECTION 47. Every person convicted of an offence before a district or police court may appeal from the sentence to the superior court then next to be held in the county. The appellant shall be committed to abide the

Appeals in
criminal cases.

sentence of said court until he recognizes to the Commonwealth, in such reasonable sum and with such surety or sureties as the court requires, with condition to appear at the court appealed to, and at any subsequent term to which the case is continued, if not previously surrendered and discharged, and so from term to term until the final sentence, order or decree of the court thereon, and to abide such final sentence, order or decree, and not depart without leave, and in the mean time to keep the peace and be of good behavior. The appellant shall not be required to advance any fees upon claiming his appeal or in prosecuting the same.

Appellant not required to advance fees.

Witnesses may be bound by recognizances.

SECTION 48. On such appeal said courts shall have the same authority to bind by recognizances witnesses in the case, that they have by chapter two hundred and twelve of the Public Statutes, when a prisoner is admitted to bail or committed.

Papers to be transmitted in appeals in criminal cases.

SECTION 49. When an appeal is taken to the superior court in a criminal proceeding the clerk shall transmit a copy of the complaint and of the record of conviction, the original recognizances, a list of the witnesses and a statement of the expenses, and no other papers shall be required to be transmitted.

If not prosecuted appellant to be sentenced.

SECTION 50. If the appellant fails to enter and prosecute his appeal he shall be defaulted on his recognizance, if any was taken, and the superior court may award sentence against him for the offence whereof he was convicted, in like manner as if he was convicted in that court, and if he is not then in custody process may be issued to bring him into court to receive sentence.

Appeal may be withdrawn.

SECTION 51. The appellant may at any time before the copy of the record of conviction has been transmitted to the clerk of the court appealed to, come personally before the court from whose sentence the appeal was taken, and upon motion may be permitted by the court, at its discretion, to withdraw his appeal and abide by the sentence therein; whereupon the court shall order that the appellant comply with the sentence appealed from in the same manner as if it were then first imposed, and thereupon the sureties who had recognized with the appellant upon his recognizance to prosecute his appeal shall be discharged.

Appellant to be produced in court if in jail.

SECTION 52. If such appellant is detained in jail for want of sureties to prosecute his appeal he may give no-

tice of his desire to avail himself of the provisions of the preceding section to the jailer, who shall, as soon as may be thereafter, cause such appellant to be produced before the court from which his appeal was taken, whereupon the same proceedings may be had as are provided in the preceding section.

SECTION 53. In such case compensation shall be allowed and paid to the jailer for his costs in the conveyance and custody of the appellant, at the same rate allowed to officers serving a mittimus, the same to be paid by the city or town in which the offence was committed. If the appeal was from a sentence to pay a fine the fees of the jailer shall be paid by the appellant, if after the appeal is withdrawn he pays the fine as provided in section fifty-one of this act.

Fees and costs allowed to jailer.

SECTION 54. Said courts shall be held in the court-houses or other places provided therefor by the county. They shall be always open and there shall be no terms thereof. The word term or terms when applied to said courts in any statute shall hereafter mean sitting or sittings. Any business of said courts or justices may be transacted at any time, but not on Sunday unless the court or justice shall deem the same to be of pressing necessity. Sittings of the courts shall be held as heretofore at the times and places appointed by the laws now in force for holding said courts, and if the times are not fixed by law then the court shall fix by general rule such times for such sittings as it deems to be necessary, and the same may be adjourned from time to time as occasion requires, and actions civil or criminal may be continued to any future day fixed for the sitting of the court, and complaints in criminal cases may be placed on file.

Sittings of courts; to be always open; transaction of business.

SECTION 55. Said courts shall be held by the respective justices thereof: *provided*, that upon request of the justice either special justice may hold the court and perform the duties of the justice, or hold a second or third session thereof, and two or more sessions may be held at the same time. In case of a vacancy in the office of justice, and in case of his sickness, absence or other disability, and when no request has been made as aforesaid, the special justice holding the oldest commission shall have the powers and perform the duties of the justice. When a special justice holds the court or a session thereof, that fact and the fact which gave him jurisdiction

Courts, by whom held.

When special justice holds court, record.

so to do shall be entered upon the general records of the court, but they need not be stated in the record of the case heard by him.

Sheriff or deputy may adjourn a session.

SECTION 56. When no justice or special justice is present at the time and place appointed for holding a session of such court the sheriff or any of his deputies, or the clerk of such court, may adjourn the same from day to day, or from time to time, giving such notice thereof as circumstances may require.

Powers of courts and justices; to frame, etc., necessary writs, etc.

SECTION 57. Said courts and the justices thereof shall have and exercise all the powers necessary for the discharge of their duties. They may issue all writs, warrants and processes necessary or proper to carry into effect the powers granted to them, and when no form is prescribed therefor by statute they shall frame one in conformity with the principles of law and the usual course of proceedings in the courts of this state.

Each court to have a seal, etc.

SECTION 58. Each of said courts shall have a seal, which shall be in the custody of its clerk, or of the justice of said court when no clerk is appointed, which shall be affixed to all processes issued by said courts where a seal is required.

Justices, to make uniform rules, etc.

SECTION 59. The justices, or a majority of them, of the several district and police courts of the Commonwealth shall from time to time make and promulgate uniform rules regulating the time during which writs, processes and appearances shall be entered, answers filed, and when trials shall be had, in civil actions in said courts, and the practice and manner of conducting the business of said courts in cases not expressly provided for by law. They shall, as soon as conveniently may be after making and adopting such rules, submit a copy thereof to the superior court or a justice thereof, for approval and amendment or alteration.

may administer oaths, etc.

SECTION 60. Justices and special justices of said courts may administer oaths or affirmations in all cases, in or out of court, in which an oath or affirmation is required, unless a different provision is expressly made by law.

may punish for contempt, etc.

SECTION 61. They may punish such disorderly conduct as interrupts any judicial proceedings before them or is a contempt of their authority or persons, by fine not exceeding fifty dollars or by imprisonment in the common jail of their county not exceeding fifteen days, and processes issued in such cases may be served by any officer authorized to serve criminal process.

SECTION 62. The justice of each of said courts may designate a constable to attend the sessions thereof and preserve order, and serve such warrants, mittimus, precepts, orders and processes issuing from said court as shall be committed to him by the court, who shall receive such compensation as shall be determined and allowed by the justice, subject to the approval of the county commissioners of the county in which the court is located, which shall be paid from the treasury of the county upon vouchers approved by said justice and county commissioners.

Constables,
designation,
compensation,
etc.

SECTION 63. Justices of said courts may interchange services or perform each other's duties when they find it necessary or convenient.

Justices may
interchange
services.

SECTION 64. Processes issuing from said courts having a clerk shall be under the seal of the court, signed by the clerk or an assistant clerk, and shall bear test of the justice, except that if the justice is a party thereto, or his office is vacant, then such processes shall bear test of the special justice holding the oldest commission. In other respects the processes of said courts shall be substantially like the processes heretofore issued by them.

Processes to be
under seal,
bear test, etc.

SECTION 65. Said courts shall have the same authority to issue commissions to take depositions in cases pending before them that the superior court has in cases pending in that court.

To issue com-
missions to take
depositions.

SECTION 66. Special justices of said courts shall receive for each day's service compensation at the same rate per day as the rate per day of the salary of the justice of the same court, to be paid by the county: *provided*, that the compensation so paid for any excess over thirty days' service in any one calendar year, except for services in holding a second or third session at the same time, shall be deducted by the county treasurer from the salary of the justice.

Compensation
of special jus-
tices.

SECTION 67. Clerks pro tempore of said courts having no assistant clerks shall receive as compensation for each day's service a sum equal to the rate per day of the salary of the clerk, to be paid by the county: *provided*, that the compensation so paid for any excess over fourteen days' service by a clerk pro tempore, in any one calendar year, shall be deducted by the county treasurer from the salary of the clerk.

Compensation
of clerk pro
tempore.

SECTION 68. The provisions of this act so far as they are the same as those of existing laws shall be construed

How to be
construed.

as a continuation of such laws and not as new enactments, and references in laws to provisions of law which are reenacted herein shall be construed as applying to such provisions so incorporated in this act.

Certain provisions of law not to apply, etc.

SECTION 69. The provisions of chapters one hundred and fifty-four and one hundred and fifty-five of the Public Statutes not reenacted herein, except sections one, two and sixty-four of the chapter first named and sections four and six of the chapter last named, shall not hereafter apply to district and police courts; but nothing herein contained shall be construed to deprive said courts of their jurisdiction, under section thirty-four of this act, of all offences named or referred to in said chapters, or to affect the judicial districts of said courts, which shall continue as now established by law. *Approved May 27, 1893.*

Chap. 397 AN ACT RELATING TO THE ESTABLISHMENT OF CORPORATIONS FOR THE PURPOSE OF GENERATING AND FURNISHING PNEUMATIC PRESSURE FOR MECHANICAL POWER.

Be it enacted, etc., as follows:

P. S. 106, §11;
1891, 189,
amended.

SECTION 1. Section eleven of chapter one hundred and six of the Public Statutes as amended by chapter one hundred and eighty-nine of the acts of the year eighteen hundred and ninety-one, is hereby amended by inserting between the words "hydrostatic", and "pressure", the words:—or pneumatic,—so as to read as follows:—

Formation of
corporations for
furnishing light,
heat, power,
etc.

Section 11. For the purpose of making and selling gas for light, or for the purpose of generating and furnishing steam or hot water for heating, cooking, and mechanical power, or for the purpose of generating and furnishing hydrostatic or pneumatic pressure for mechanical power, in any city or town, or for any two or more of said purposes, ten or more persons may associate themselves, with a capital of not less than five thousand nor more than five hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 27, 1893.

Chap. 398 AN ACT CONCERNING THE PRESERVATION OF BIRDS AND GAME.

Be it enacted, etc., as follows:

1891, 142, §1;
1893, 189,
amended.

SECTION 1. Section one of chapter one hundred and forty-two of the acts of the year eighteen hundred and ninety-one as amended by chapter one hundred and eighty-nine of the acts of the year eighteen hundred and ninety-

three is hereby amended by adding at the end thereof the following words: — *provided, however*, that any person, firm or corporation dealing in game or engaged in the cold storage business, may buy, sell or have in possession, and any person may buy from such person, firm or corporation, and have in possession if so bought, quail from the fifteenth day of October to the first day of May; and any such person, firm or corporation, may have in possession on cold storage, quail which were so placed in storage before the passage of this act, and may buy, sell and have in possession pinnated grouse, wild pigeons and any of the so-called shore, marsh or beach birds, or of the so-called duck species, at any season, if said quail, grouse or other birds have not been taken or killed in this Commonwealth contrary to the provisions of this act, — so as to read as follows: — *Section 1.* Whoever takes or kills a pinnated grouse at any time, or a woodcock, or a ruffed grouse, commonly called a partridge, between the first day of January and the fifteenth day of September, or a quail between the first day of January and the fifteenth day of October, or a wood or summer duck, black duck or teal, or any of the so-called duck species, between the fifteenth day of April and the first day of September, and whoever buys, sells or has in his possession any of the birds named in this act and protected thereby, during the time within which the taking or killing thereof is prohibited, whenever or wherever the aforesaid birds may have been taken or killed, shall be punished by a fine of twenty dollars for every bird so taken or killed, or had in possession: *provided, however*, that any person, firm or corporation dealing in game or engaged in the cold storage business, may buy, sell or have in possession, and any person may buy from such person, firm or corporation, and have in possession if so bought, quail from the fifteenth day of October to the first day of May; and any such person, firm or corporation, may have in possession on cold storage, quail which were so placed in storage before the passage of this act, and may buy, sell and have in possession pinnated grouse, wild pigeons and any of the so-called shore, marsh or beach birds, or of the so-called duck species, at any season, if said quail, grouse or other birds have not been taken or killed in this Commonwealth contrary to the provisions of this act.

Taking, killing
or dealing in
certain birds.

Penalty.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 27, 1893.

Chap.399 AN ACT TO CONFIRM THE PROCEEDINGS OF CERTAIN TOWN MEETINGS OF THE TOWN OF AYER.

Be it enacted, etc., as follows :

Proceedings of
town meeting
confirmed.

SECTION 1. The proceedings of the annual town meeting of the town of Ayer held in the year eighteen hundred and ninety-two, and of the annual town meeting of said town held in the present year, and any adjournments thereof, shall not be invalid by reason of the omission in the warrant calling such annual meetings of a specification of the time of opening the polls and the time of closing the same.

SECTION 2. This act shall take effect upon its passage.

Approved May 27, 1893.

Chap.400 AN ACT TO PROVIDE AN ADDITIONAL WATER SUPPLY FOR THE CITY OF LYNN.

Be it enacted, etc., as follows :

1883, 256, §1,
amended.

SECTION 1. Section one of chapter two hundred and fifty-six of the acts of the year eighteen hundred and eighty-three is hereby amended by striking out after the word "river", in the third line, the following words " whenever its daily flow at Pranker's dam in the town of Saugus shall exceed fifteen million gallons, and may at such times take all the flow of said river in excess of said fifteen million gallons and no more ", and inserting in place thereof the following words : — and its tributaries, except Quannapowitt and Crystal lakes in the town of Wakefield, reserving to the owners of mills on said river their right as mill owners to use such waters as shall flow to said mills and the dams connected therewith, except so far as said city shall from time to time actually divert and use the same for the purposes named in this act, and also reserving to the town of Wakefield the right to construct and maintain filter beds and reservoirs at any point or points on Saugus river between the outlet of Lake Quannapowitt and the location of the present sawmill dam, west of Vernon street, and about one half mile below said outlet, — so as to read as follows : — *Section 1.* The city of Lynn may for the purposes of an additional water supply for itself and its inhabitants, take by purchase or otherwise, the water of Saugus river and its tributaries, except Quannapowitt and Crystal lakes in

May take cer-
tain waters,
lands, etc.

the town of Wakefield, reserving to the owners of mills on said river their right as mill owners to use such waters as shall flow to said mills and the dams connected therewith, except so far as said city shall from time to time actually divert and use the same for the purposes named in this act, and also reserving to the town of Wakefield the right to construct and maintain filter beds and reservoirs at any point or points on Saugus river between the outlet of Lake Quannapowitt and the location of the present saw-mill dam, west of Vernon street, and about one half mile below said outlet. And, also for the purposes aforesaid, said city may take by purchase or otherwise without limitation, and hold the waters of Hawkes and Penny brooks, tributaries of said Saugus river, and also all lands, rights of way and easements, necessary for holding and preserving all water, taken by purchase or otherwise under the authority of this act and for conveying the same to any part of said city; and may erect on the land thus taken or held, proper dams, buildings, fixtures and structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under, through or over any lands, water courses, public works, railroads, public or private ways, and along any such way in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said city may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways, or any such ways in said city, in such manner as to cause the least hindrance to public travel on such ways.

May erect buildings, lay down pipes, etc.

SECTION 2. The said city of Lynn may, for the purposes of paying the necessary expenses and liabilities incurred under the provisions of this act, or under the provisions of said chapter two hundred and fifty-six of the acts of the year eighteen hundred and eighty-three as amended by this act, issue from time to time bonds, notes or scrip in addition to those authorized by section four of said chapter two hundred and fifty-six of the acts of the year eighteen hundred and eighty-three, to an amount

City of Lynn water loan.

not exceeding five hundred thousand dollars; such bonds, notes and scrip shall bear on their face the words, City of Lynn Water Loan, Act of 1883, as amended by Act of 1893; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the city and countersigned by the public water board. The said city may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said city shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Sinking fund.

SECTION 3. This act shall take effect upon its passage.

Approved May 27, 1893.

Chap. 401 AN ACT TO PROVIDE FOR THE PAYMENT OF AN ALLOWANCE TO FAMILIES OF FIREMEN KILLED OR FATALLY INJURED IN THE DISCHARGE OF THEIR DUTIES.

Be it enacted, etc., as follows:

Allowance to families of firemen killed or fatally injured, etc.

SECTION 1. When any fireman belonging to the regular organized force of any city or town in this Commonwealth is killed, or dies within sixty days from injuries received while in the discharge of his duty as such fireman, and the fact of such death is certified by the city or town clerk and the attending physician or medical examiner, to the treasurer of the Commonwealth, said treasurer shall pay to the executor or administrator of such deceased fireman the sum of one thousand dollars for the use of his widow and minor children, one half to each; or, if there are minor children but no widow, to the use of such children; or, if there are no minor children, to the use of the widow; or, if no widow or minor children, to the use of the next of kin, if dependent on such deceased fireman for support. A child of full age but dependent upon such fireman for support by reason of physical infirmity or other cause shall be regarded as a minor

child within the provisions of this section. The sums disbursed by the treasurer under this section shall be paid from moneys received for taxes from fire insurance companies doing business in this Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved May 27, 1893.

AN ACT TO RATIFY AND ESTABLISH THE AUTHORITY OF THE CITY OF TAUNTON TO TAKE AND HOLD THE WATERS OF ELDER'S POND AND ASSOWOMPSET POND IN LAKEVILLE AND MIDDLEBOROUGH.

Chap.402

Be it enacted, etc., as follows :

SECTION 1. The right and authority of the city of Taunton to take and hold the waters of Elder's pond in Lakeville, and of Assowompset pond in Middleborough and in said Lakeville, and the waters flowing into said ponds, together with any water rights connected therewith, according to the terms and conditions of the two hundred and seventeenth chapter of the acts of the year eighteen hundred and seventy-five, are hereby ratified, granted and confirmed to the same extent to all intents and purposes as if said waters had been the sole waters granted to the city of Taunton by said act.

Authority to take certain waters confirmed.

SECTION 2. The doings and proceedings of the city of Taunton or of its city council, relating to the taking and holding of the waters of said Elder's pond and of said Assowompset pond, or to the taking and holding of lands in and about said ponds or elsewhere, and for defraying the cost and expenses incurred thereby in furtherance of the purposes of the two hundred and seventeenth chapter of the acts of the year eighteen hundred and seventy-five, and with the intent to carry out the provisions of said act, are hereby ratified, confirmed and declared valid and effectual in law, to the same extent to all intents and purposes as if said waters had been the sole waters granted to the city of Taunton by said act.

Proceedings in taking waters of certain ponds confirmed.

SECTION 3. This act shall take effect upon its passage.

Approved June 3, 1893.

AN ACT TO PROTECT TREES FROM DISFIGUREMENT.

Chap.403

Be it enacted, etc., as follows :

Whoever affixes to any tree in a highway, public way or square, a playbill, poster, notice, advertisement or

Penalty for disfiguring trees.

printed paper of any description, or cuts, paints or marks on such tree, except for the purpose of protecting such tree, without first obtaining a written permit from the officer having the charge of such trees in a city or from the selectmen in a town, shall be punished by fine not exceeding fifty dollars, and not less than five dollars, for each offence.

Approved June 3, 1893.

Chap.404 AN ACT RELATING TO THE APPOINTMENT OF OFFICIAL STENOGRAPHERS.

Be it enacted, etc., as follows:

Additional
stenographers,
appointment,
service, com-
pensation.

The judges of the superior court, or a majority of them, may appoint an additional stenographer for any county except Suffolk, when the business of the court requires, to serve when designated for duty, and to receive pay in accordance with the provisions of law now existing relating to the pay of official stenographers for said court.

Approved June 3, 1893.

Chap.405 AN ACT RELATING TO PROCEEDINGS IN INSOLVENCY.

Be it enacted, etc., as follows:

P. S. 157, §16,
amended.

SECTION 1. Section sixteen of chapter one hundred and fifty-seven of the Public Statutes is hereby amended by inserting in the third line, after the word "resided", the words:—or had a usual place of business,— by inserting in the fourth line, after the word "resided", the words:—or had a usual place of business,— and by inserting in the fifth line, after the word "resides", the words:—or has a usual place of business,— so as to read as follows:— *Section 16.* An inhabitant of this state owing debts, contracted while such inhabitant, may apply by petition to the judge of the county within which he has last resided, or had a usual place of business, for three consecutive months before the application, if he has resided, or had a usual place of business, for that time in any county, otherwise to the judge for the county within which he resides, or has a usual place of business, setting forth his inability to pay all his debts, and his willingness to assign all his estate and effects for the benefit of his creditors, and praying that such proceedings may be had in the premises as are provided in this chapter.

Who may peti-
tion for insol-
vency proceed-
ings.

P. S. 157, §112,
amended.

SECTION 2. Section one hundred and twelve of said chapter one hundred and fifty-seven, as amended by chapter four hundred and thirty-one of the acts of the

year eighteen hundred and ninety, is hereby amended by inserting in the twenty-sixth line, after the word "state", the words:—within one year,—by inserting in the twenty-eighth line, after the word "resided", the words:—or had a usual place of business,—by inserting in the twenty-ninth line, after the word "resided", the words:—or had a usual place of business,—and by inserting in the thirty-first line, after the word "resided", the words:—or has or last had a usual place of business,—so as to read as follows:—*Section 112.* If a person arrested on mesne process in a civil action for the sum of one hundred dollars or upwards, founded upon a demand in its nature provable against the estate of an insolvent debtor, has not given bail therein on or before the return day of such process, or has been actually imprisoned thereon for more than thirty days; or if a person whose goods or estate are attached on mesne process in such action founded upon such contract has not before the return day of such process dissolved the attachment in the manner provided by law; or if a person has removed himself or any part of his property from the state, with intent to defraud his creditors; or has concealed himself to avoid arrest, or any part of his property to prevent its being attached or taken on a legal process; or procured himself or his property to be arrested, attached, or taken on any legal process; or made a fraudulent payment, conveyance, or transfer of any part of his property; or, being a banker, broker, merchant, trader, manufacturer, or miner, has fraudulently stopped payment, or has stopped or suspended and not resumed payment of his commercial paper within a period of fourteen days; any of his creditors whose claims provable against his estate amount to one hundred dollars may, within ninety days thereafter, or in the case of any such fraudulent conveyance of real estate, within ninety days after the same has been recorded, if the debtor has resided in the state within one year, apply by petition to the judge for the county in which the debtor has last resided, or had a usual place of business, for three consecutive months before the application, if he has resided, or had a usual place of business, for that time in any county, otherwise to the judge for the county within which he resides or last resided, or has or last had a usual place of business, setting forth the facts and the nature of their claims, verified by oath, and praying that his estate

Applications by
creditors for
insolvency pro-
ceedings.

may be seized and distributed according to the provisions of this chapter.

P. S. 157, §116,
amended.

SECTION 3. Section one hundred and sixteen of said chapter one hundred and fifty-seven of the Public Statutes is hereby amended by inserting in the fourth line, after the word “resided”, the words:—or had a usual place of business,—by inserting in the fifth line, after the word “resided”, the words:—or had a usual place of business,—and by inserting in the sixth line, after the word “resides”, the words:—or has a usual place of business,—so as to read as follows:—*Section 116.* Any of the creditors of an insolvent insane person, whose claims provable against his estate amount to one hundred dollars, may apply by petition to the judge for the county in which the debtor has last resided, or had a usual place of business, for three consecutive months before the application, if he has resided, or had a usual place of business, for that time in any county, otherwise to the judge for the county within which he resides, or has a usual place of business, setting forth his insolvency and the nature of their claims, verified by oath, and praying that his estate may be seized and distributed according to the provisions of this chapter. After notice to all persons interested, and the appointment of a guardian ad litem for such insane person, and a hearing, the judge may, if he thinks the interests of the debtor and creditors require it, issue his warrant to take possession of the estate of the debtor, and thereupon like proceedings shall be had as in the settlement of estates of other insolvent debtors.

Creditors of
insane person
may petition
for insolvency
proceedings.

P. S. 157, §120,
amended.

SECTION 4. Section one hundred and twenty of chapter one hundred and fifty-seven of the Public Statutes is hereby amended by striking out in the third, fourth, fifth and sixth lines, the words “either of the partners has last resided for three consecutive months before the application, if he has resided for that time in any county, otherwise to the judge for the county within which he resides”, and inserting in place thereof the words:—the partnership has or last had a usual place of business before the application,—so as to read as follows:—*Section 120.* When two or more persons who are partners become insolvent, a warrant may be issued as provided in this chapter, by the judge for the county in which the partnership has or last had a usual place of business, before the application upon the petition of one or more of the partners (reasonable

Insolvency pro-
ceedings in case
of partners.

notice being first given by the judge to the other partners, if within the state, to show cause why its prayer should not be granted,) or upon the petition of a creditor of the partners; upon which warrant all the joint stock and property of the company and the separate estate of each of the partners shall be taken, except such parts as may be by law exempt from attachment; and all the creditors of the company, and the separate creditors of each partner, may prove their respective debts.

SECTION 5. In case under the provisions of the above-mentioned section sixteen, section one hundred and twelve, section one hundred and sixteen and section one hundred and twenty of chapter one hundred and fifty-seven of the Public Statutes as hereby amended, petitions shall be filed by or against an insolvent debtor, or against a partnership in two or more different counties, the court of that county wherein any such petition shall first be filed shall have jurisdiction of the case, and the proceedings shall be stayed upon the petition or petitions filed in other counties until the court in said county shall have decided whether a warrant shall be issued or not, and in case a warrant shall be issued by said court then the proceedings upon the petitions filed in other counties shall be dismissed.

Proceedings when petitions are filed in two or more counties.

Approved June 3, 1893.

AN ACT RELATING TO CONTRACTS REQUIRING THE EMPLOYMENT OF MANUAL LABOR MADE BY OR ON BEHALF OF THE COMMONWEALTH.

Chap.406

Be it enacted, etc., as follows:

All contracts hereafter made by or on behalf of the Commonwealth requiring the employment of manual labor shall provide that persons employed in the performance of such labor under any such contract shall not be required to work more than nine hours in each day, and that said nine hours shall constitute a day's work.

Nine hours manual labor a day's work under contracts for the Commonwealth.

Approved June 3, 1893.

AN ACT TO ESTABLISH A METROPOLITAN PARK COMMISSION.

Chap.407

Be it enacted, etc., as follows:

SECTION 1. The governor, by and with the advice and consent of the council, shall appoint five persons, who shall constitute a board to be known as the Metropolitan

Metropolitan Park Commission, appointment, terms of office, etc.

Park Commission. The members of this board shall hold office respectively for the terms of one year, two years, three years, four years and five years, beginning with the first Monday in May in the year eighteen hundred and ninety-three, and annually thereafter the governor shall appoint as aforesaid one such commissioner, to hold office for the term of five years, beginning with the first Monday in May in the year of his appointment; and if any vacancy occurs in said board by resignation or otherwise the governor shall in like manner appoint a commissioner for the residue of the term in which the vacancy occurs, and may also remove any commissioner. The members of said board shall serve without compensation, but their travelling and other necessary expenses shall be allowed and paid; and no person employed by the board shall be a member thereof.

Secretary, employees, report, etc.

SECTION 2. Said board shall annually choose one of its members chairman, and may from time to time appoint a clerk or secretary, and such other employees as it deems necessary to carry out the purposes of this act; it may determine the duties and compensation of such appointees, remove the same at pleasure, and make all reasonable rules and regulations. Said board shall have a suitable office, where its maps, plans, documents, records and accounts shall be kept, subject to public inspection at such times as the board may determine. On or before the second Wednesday in December in each year said board shall make a report of its proceedings to the general court, together with a full statement of its receipts and disbursements. Said report shall be numbered as one of the series of public documents and four thousand copies thereof shall be printed annually.

Metropolitan
Parks District.

SECTION 3. The jurisdiction and powers of said board shall extend to and may be exercised in the cities of Boston, Cambridge, Chelsea, Everett, Lynn, Malden, Medford, Newton, Quincy, Somerville, Waltham and Woburn, and in the towns of Arlington, Belmont, Braintree, Brookline, Canton, Dedham, Dover, Hingham, Hull, Hyde Park, Melrose, Milton, Nahant, Needham, Revere, Saugus, Stoneham, Swampscott, Wakefield, Watertown, Wellesley, Weston, Weymouth, Winchester and Winthrop; which cities and towns shall constitute the Metropolitan Parks District.

SECTION 4. Said board shall have power to acquire, maintain and make available to the inhabitants of said district open spaces for exercise and recreation; and to this end, acting so far as may be in consultation with the proper local boards, shall be authorized to take, in fee or otherwise, in the name and for the benefit of the Commonwealth, by purchase, gift, devise or eminent domain, lands and rights in land for public open spaces within said district, or to take bonds for the conveyance thereof; and to preserve and care for such public reservations, and also, in the discretion of said board and upon such terms as it may approve, such other open spaces within said district as may be entrusted, given or devised to said board or to the Commonwealth, by the United States, or by cities, towns, corporations or individuals, for the general purposes of this act, or for any one or more of such purposes as the donor may designate: *provided, however*, that no private property taken for the purpose of this act shall be taken under the right of eminent domain without the concurrence of a majority of the board and of the board of park commissioners, if any, of the city or town in which such property is situated; *provided, further*, that no land shall be taken by the right of eminent domain in that part of the city of Medford known as the Middlesex Fells, southerly of a line drawn from the southerly base of Pine hill, northwesterly through the southern end of the dam of the south reservoir of the town of Winchester and extended to the western boundary of said fells, so-called; nor southerly of a line drawn from said southerly base of Pine hill, east to the eastern boundary of said fells; *provided, further*, that said board shall not take by purchase or right of eminent domain, under this act, any land or other property to an amount exceeding in value in the aggregate, with land or other property previously taken by purchase or eminent domain hereunder, ninety per centum of the total amount appropriated by the legislature or contributed by individuals or corporations for that purpose, *provided, further*, that nothing in this act shall be construed to limit existing rights of any city or town in relation to water supply purposes, or in any way obstruct their taking advantage of such rights. In furtherance of the powers herein granted, said board may employ a suitable police force, make rules and regulations for the government and use of the public reservations under their

May acquire, maintain, etc., public open spaces, etc.

Provisos.

Police, rules, penalties, etc.

Expenditure of
trust funds.

Metropolitan
Parks Trust
Fund.

May make cer-
tain agreements
with local
boards, etc.

Damages.

care, and for breaches thereof affix penalties not exceeding twenty dollars for one offence, to be imposed by any court of competent jurisdiction; and in general may do all acts needful for the proper execution of the powers and duties granted to and imposed upon said board by the terms of this act. Said board shall also have power to expend such funds, whether principal or income, as may be given in trust, as provided for in section five.

SECTION 5. The treasurer and receiver general of the Commonwealth is hereby authorized and empowered, with the approval of the governor and council, to receive and hold in trust for the Commonwealth, exempt from taxation, any grant or devise of lands or rights in land, and any gift or bequest of money or other personal property, made for the purposes of this act, and shall preserve and invest the proceeds thereof in notes or bonds secured by good and sufficient mortgage or other securities. Said trust property shall be known as the Metropolitan Parks Trust Fund, and shall be used and expended under the direction of the metropolitan park commission and subject to its orders.

SECTION 6. Any city or town within said district, or any local board of such city or town, with the latter's consent, is hereby authorized and empowered to transfer the care and control of any open space owned or controlled by it to the metropolitan park commission, upon such terms and for such period as may be mutually agreed upon; or to enter into an agreement with said commission for the joint care or preservation of open spaces within or adjacent to such city or town; and the metropolitan park commission may in like manner transfer the care and control of any open space controlled by it to any local board of a city or town within the said district, with the consent of such city or town and upon such terms and for such period as may be mutually agreed upon.

SECTION 7. Said board shall estimate and determine as near as may be all damages sustained by any person or corporation by the taking of land, or any right therein, under this act; but any one aggrieved by such determination of the board may have such damages assessed by a jury of the superior court, in the same manner as is provided by law with respect to damages sustained by reason of the laying out of ways. If upon trial damages are increased beyond the award of the board the aggrieved

party shall recover costs, otherwise such party shall pay costs; and costs shall be taxed as in civil cases; but no suit for such damages shall be brought after the expiration of two years from the date of the recording of the taking, as required by the following section.

SECTION 8. Within sixty days after any land, or right therein, is acquired or taken under this act, the board shall file and cause to be recorded in the proper registry of deeds, a description thereof sufficiently accurate for its identification, with a statement of the purpose for which the same is acquired or taken, which description shall be signed by a majority of said board.

A description of land taken to be recorded in registry of deeds, etc.

SECTION 9. To meet the expenses incurred under the provisions of this act the treasurer and receiver general shall, with the approval of the governor and council, issue scrip or certificates of debt in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding one million dollars, for a term not exceeding forty years. Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest not exceeding four per cent. per annum, payable semi-annually on the first days of January and July in each year. Such scrip or certificates of debt shall be designated on the face as the Metropolitan Parks Loan; shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, and the principal and interest shall be paid at the times specified therein in gold coin of the United States; and said scrip or certificates of debt shall be sold and disposed of at public auction or in such other mode and at such times and prices, and in such amounts and at such rates of interest, not exceeding the rate above-specified, as the governor and council shall deem best. The treasurer and receiver general shall, on issuing any of said scrip or certificates of debt, establish a sinking fund, and apportion an amount to be paid thereto each year sufficient with its accumulations to extinguish the debt at maturity. Any premium realized on the sale of said scrip or certificates of debt shall be applied to the payment of the interest on said loan as it accrues.

Metropolitan Parks Loan.

SECTION 10. The supreme judicial court sitting in equity shall, on the application of said board and after notice to each of the cities and towns hereinbefore named, appoint three commissioners, who shall not be residents

Apportionment of expenses of preservation and care of public reservations.

Apportionment
of expenses of
preservation
and care of pub-
lic reservations.

of such cities or towns, who shall, after due notice and hearing, and in such manner as they shall deem just and equitable, determine the proportion in which each of such cities and towns shall annually pay money into the treasury of the Commonwealth, for the term of five years next following the year of the first issue of said scrip or certificates, to meet the interest and sinking fund requirements for each of said years, as estimated by the treasurer of the Commonwealth, and to meet the expenses of preservation and necessary care of said public reservations, as estimated by said board and certified to said treasurer, and any deficiency in the amount previously paid in as found by said treasurer, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners and shall be binding on all parties. Said commissioners shall fix and return the proportion to be paid by the city of Boston for the first period of five years, at fifty per cent. of the whole. Before the expiration of said term of five years, and every five years thereafter, three commissioners, who shall not be residents of any of the cities or towns constituting the metropolitan parks district, shall again be appointed as aforesaid, who shall in such manner as they deem just and equitable determine the proportion in which each of said cities and towns shall annually pay money into the treasury of the Commonwealth as aforesaid, for the next succeeding term of five years, together with any deficiency in the amount previously paid in, as found by said treasurer, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding on all parties: *provided*, that no assessment shall be levied for the purposes of this act in any one year upon any city or town in excess of a sum equal to one half mill on the dollar of the valuation thereof.

Proviso.

Annual estimate
of expenses to
be made.

SECTION 11. The metropolitan park commission shall annually estimate the expenses of preservation and necessary care of said public reservations for the ensuing year, and certify the same to the treasurer, who shall apportion said expenses in the manner provided in the following section: *provided, however*, that such expenses shall not

Proviso.

exceed the sum of ten thousand dollars during the first year, nor exceed the sum of twenty thousand dollars during any succeeding year.

SECTION 12. The amount of money required each year from each city and town of the metropolitan parks district to meet the interest, sinking fund requirement and expenses aforesaid for each year, and deficiency, if any, shall be estimated by the treasurer of the Commonwealth in accordance with the proportion determined as aforesaid, and shall be included in and made a part of the sum charged to such city or town, and be assessed upon it in the apportionment and assessment of its annual state tax; and said treasurer shall in each year notify each city and town of the amount of such assessment, and the same shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment and as a part of its state tax.

Amount required from cities and towns to be included in state tax.

SECTION 13. The supreme judicial court shall have jurisdiction in equity to enforce the provisions of this act, and shall fix and determine the compensation of all commissioners appointed by said court under the provisions hereof.

Supreme judicial court to fix compensation of commissioners appointed by it.

SECTION 14. This act shall take effect upon its passage.

Approved June 3, 1893.

AN ACT RELATING TO THE STOCK AND BONDS OF THE FITCHBURG RAILROAD COMPANY HELD BY THE COMMONWEALTH.

Chap. 408

Be it enacted, etc., as follows:

SECTION 1. The treasurer and receiver general, as soon as practicable after the passage of this act, shall, under the direction of the governor and council, issue scrip or certificates of debt in the name and behalf of the Commonwealth, and under its seal, to an amount not exceeding five million dollars, for a term not exceeding twenty years. Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually, in gold coin or its equivalent, on the first days of February and August in each year. Such scrip or certificates of debt shall be designated on their face as the Fitchburg Railroad Securities Loan; shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit

Fitchburg Railroad Securities Loan.

of the Commonwealth, redeemable at the time specified therein, in gold coin or its equivalent, and shall be sold and disposed of by public auction, or in such other mode, and at such times and prices, and in such amounts, and at such rate of interest, not exceeding four per centum per annum, as the governor and council shall deem best.

Fitchburg Railroad Securities Sinking Fund.

SECTION 2. The proceeds of the sales of the scrip or certificates of debt mentioned in section one shall be used to purchase at par, from the several funds of which they form a part, the bonds of the Fitchburg Railroad Company which were received in payment for the Hoosac tunnel and Troy and Greenfield railroad; which bonds so purchased together with the common stock of said Fitchburg Railroad Company, owned by the Commonwealth, shall be set apart as a fund to be known as the Fitchburg Railroad Securities Sinking Fund; and said bonds and stock shall be held as a sinking fund to redeem the scrip or certificates of debt provided for in section one, at maturity.

Income, disposal of surplus, supply for deficiency.

SECTION 3. The income of said bonds and stock shall be devoted to the payment of the interest on said scrip or certificates of debt, and in case said income is more than sufficient in any year to pay said interest the excess shall be added to the income of the Massachusetts school fund for that year, and in case in any year the income is insufficient to pay said interest, the deficiency shall be payable from any money in the treasury, not otherwise appropriated.

Governor, lieutenant governor and treasurer to manage and control securities, etc.

SECTION 4. The sinking fund established by this act shall be in the custody of the treasurer and receiver general of the Commonwealth, as other funds, but the securities shall be under the direction and control of a committee consisting of the governor, the lieutenant governor and the treasurer and receiver general, who shall, in all cases wherein said securities have a voting power at any meeting of said corporation, determine by whom, and what way, such voting power shall be exercised. Said committee shall manage and control the common stock herein referred to for the best interests of the Commonwealth and of the city of Boston, and particularly with a view to prevent the merging or consolidation of said railroad with, or its control by, any parallel or competing line, and to maintain the line of said company permanently as an independent line from Boston to points in New York state.

SECTION 5. The securities held in the sinking fund herein established shall not be sold or exchanged except by authority of the governor and council. Securities not to be sold, etc., except, etc.

SECTION 6. This act shall take effect upon its passage.

Approved June 3, 1893.

AN ACT PROVIDING ADDITIONAL COMPENSATION FOR THE SERGEANT-AT-ARMS MESSENGER DETAILED FOR DUTY WITH THE TREASURER AND RECEIVER GENERAL.

Chap.409

Be it enacted, etc., as follows:

SECTION 1. The messenger of the sergeant-at-arms who is detailed and performs service as messenger to the treasurer and receiver general, shall receive annually the sum of five hundred dollars, in addition to the amount he now receives as sergeant-at-arms' messenger, for such service, to be so allowed from the first day of January in the year eighteen hundred and ninety-three. Additional compensation established.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1893.

AN ACT TO INCORPORATE THE CROMPTON ASSOCIATES.

Chap.410

Be it enacted, etc., as follows:

SECTION 1. Mary C. Crompton, Isabel M. Crompton, Cora E. Crompton, Stella S. Crompton, Georgietta F. Crompton, Mary Catharine Crompton, Charles Crompton and Mildred Crompton Smith, their associates and successors, are hereby made a corporation for the term of fifteen years from the date of the passage of this act, by the name of the Crompton Associates; subject to the provisions of chapter one hundred and five of the Public Statutes and to all general corporation laws which now are or hereafter may be in force relating to such corporations, and shall have the powers and be subject to the liabilities and restrictions prescribed therein. Crompton Associates incorporated.

SECTION 2. Said corporation shall have the power to purchase and hold real estate situated in Worcester, which was owned by George Crompton, late of Worcester, now deceased, at the time of his death, and now owned by his heirs; and lands in addition thereto, desirable for the improvement thereof, not to exceed in the aggregate six acres, and to sell, mortgage, let, lease and improve the same, and to erect factories, dwelling houses and other buildings and structures thereon, as may be deemed necessary and expedient. May hold, sell, etc., real estate in Worcester.

Capital stock and shares.

Proviso.

May increase capital stock.

Provisos.

SECTION 3. The capital stock of said corporation shall be three hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each: *provided*, that no stock shall be issued until the whole amount of said capital stock shall have been paid in, either in cash or property, the value of which property, if any, shall be determined by the commissioner of corporations.

SECTION 4. The said corporation may from time to time increase its capital stock in amounts not to exceed in the aggregate the further sum of five hundred thousand dollars: *provided*, that no shares in such increased capital stock shall be issued for a less sum to be actually paid in on each share, in cash or property, than the par value thereof, which shall not be less than one hundred dollars, the value of said property to be determined as aforesaid; and *provided, also*, that a certificate stating the amount of any such increase shall within ten days thereafter be made, signed and sworn to by its president, treasurer and a majority of its directors, and be filed in the office of the secretary of the Commonwealth.

SECTION 5. This act shall take effect upon its passage.

Approved June 3, 1893.

Chap. 411 AN ACT TO PROVIDE FOR THE PRESERVATION OF THE RECORDS AND HISTORY OF THE GRAND ARMY OF THE REPUBLIC, DEPARTMENT OF MASSACHUSETTS.

Be it enacted, etc., as follows:

Preservation of records, etc., of Grand Army of the Republic, etc.

SECTION 1. There shall be set apart a suitably furnished room or rooms in the state house, which room or rooms shall be under the charge of the commander of the Grand Army of the Republic of the Department of Massachusetts, and his successors in office, subject to the provisions of chapter five of the Public Statutes; and said room or rooms shall be used by such commander for the purpose of headquarters and for storing the supplies and property of the department, relics and mementos of the war, arranging and preserving the history of individuals who served in the army, navy or marine corps during the war of the rebellion, who belonged to organizations of this Commonwealth, or citizens of this Commonwealth who served in the regular army, navy or marine corps of the United States, which said Grand Army of the Republic may collect and desire to preserve as a part of the history of

the Commonwealth. And such records shall be accessible at all times, under suitable rules and regulations, to members of the Grand Army of the Republic and others engaged in collecting historical information.

SECTION 2. The books of record, papers, relics, mementos and other effects of whatever nature belonging to the said department of Massachusetts of the Grand Army of the Republic shall, whenever said department ceases to exist as a department organization, become the property of the Commonwealth.

Records, etc., to become the property of Commonwealth upon dissolution of organization.

SECTION 3. This act shall take effect upon the completion of the reconstruction and improvements of the state house.

When to take effect.

Approved June 3, 1893.

AN ACT TO PROVIDE FOR AN ADDITIONAL WATER SUPPLY FOR THE CITY OF LOWELL.

Chap. 412

Be it enacted, etc., as follows:

SECTION 1. The city of Lowell, for the purpose of improving and increasing its water supply and obtaining and taking water by means of forced, driven, artesian or other wells, or from subterranean streams, on any land within said city, may take and hold by purchase or otherwise any such lands, and may also take and hold by purchase or otherwise all lands, rights of way and easements necessary for holding, storing and preserving such water and for conveying the same to any part of said city of Lowell; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate suitable machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of such additional water supply; and may construct and lay down conduits, pipes and other works under, through or over any lands, canals, bridges or railroads, to the extent necessary to fully carry out the purposes of this act.

Additional water supply for the city of Lowell.

SECTION 2. Said city of Lowell shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the Middlesex north district registry of deeds a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, which description and statement shall be signed by the mayor of said city.

A description of lands, etc., taken to be recorded in registry of deeds, etc.

Damages.

SECTION 3. Said city shall pay all damages sustained by any person or corporation by the taking of any land, rights of way, water, water source, water right or easement, or by any other thing done by said city under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said city as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for laying out highways, on application at any time within the period of two years from the taking of any such land or other property, or the doing of other injury under the authority of this act, but no application shall be made after the expiration of two years. No application for assessment of damages shall be made for the taking of any water, water right or for any injury thereto, until the water is actually withdrawn or diverted by said city under the authority of this act.

City may tender money payment, etc.

SECTION 4. In every case of a claim for damages, as provided herein, the city of Lowell may tender to the complainant or his attorney any sum that it shall think proper, or may bring the same into court to be paid to the complainant for the damages by him sustained or claimed in his petition; and if the complainant shall not accept the same, with the costs up to that time, but shall proceed in the suit, he shall be entitled to his costs up to the time of the tender, or such payment into court, and not afterwards, unless he shall recover greater damages than were so offered; and said city shall be entitled to recover its costs afterwards, unless the complainant shall recover greater damages than were so offered.

Penalty for wilful corruption or diversion of water, etc.

SECTION 5. If any person shall use any of said water, taken or obtained under this act, without the consent of said city, or shall wantonly or maliciously divert the water, or any part thereof, so taken or obtained, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said city under the authority of and for the purposes of this act, he shall forfeit and pay to said city three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars or by imprisonment in jail not exceeding one year.

SECTION 6. This act shall not abridge any rights heretofore granted to the city of Lowell in respect to its water supply; and the powers specified in this act shall be held to be in addition to all powers heretofore granted.

Rights and powers heretofore granted not affected.

SECTION 7. All the rights, powers and authority given to the city of Lowell by this act shall be exercised by said city, subject to all the duties, liabilities and restrictions herein contained, in such manner and by such agent, officers and servants as the city council shall from time to time ordain, direct and appoint.

Rights and powers to be exercised under direction of city council.

SECTION 8. This act shall take effect upon its passage.

Approved June 3, 1893.

AN ACT TO AUTHORIZE THE PURCHASE OF HISTORICAL WORKS RELATIVE TO THE SERVICES OF MASSACHUSETTS VOLUNTEERS DURING THE LATE CIVIL WAR.

Chap. 413

Be it enacted, etc., as follows:

SECTION 1. Whenever, after the passage of this act, any regiment or battery, or other unit of military organization of Massachusetts volunteers, shall publish or shall have prepared for publication a history of such organization, under the sanction and authority of its proper veteran association, which history shall be shown to the satisfaction of the governor and council to be, so far as is practicable in such works, faithfully and accurately prepared and historically correct, to contain matter not previously published or accessible to the general historian, to be of sufficient reliability and importance to justify the purchase of copies as herein provided for, and to contain a complete roster of the organization, corrected to the date of publication, the secretary of the Commonwealth, with the approval of the governor and council, and at a price fixed by them, shall purchase five hundred copies of such history. Said history shall be in one volume, and the price thereof shall not exceed two dollars for a volume of four hundred octavo pages.

Certain historical works relating to the civil war to be purchased.

SECTION 2. The volumes purchased as aforesaid shall be distributed as follows: one copy to the office of the secretary of the Commonwealth, one to the office of the adjutant general, one to each city and town library in the Commonwealth, or to the office of the town clerk of each town that has no public library, one to the library of each college in the state, one to each historical society in the state, one to the library of congress, and one to the

Distribution of volumes purchased.

library of each state and territory of the union, the balance to be placed in the state library of Massachusetts for purposes of exchange.

SECTION 3. This act shall take effect upon its passage.

Approved June 3, 1893.

Chap. 414 AN ACT RELATIVE TO THE RELEASE OF PERSONS ARRESTED FOR DRUNKENNESS.

Be it enacted, etc., as follows :

Arrests for drunkenness, complaint, statement and request for release.

Person to be informed of his right.

Proceedings upon statement and request.

Officer not liable for illegal arrest, etc.

1891, 427, §§2, 3, repealed.

To take effect July 1, 1893.

SECTION 1. Whoever arrests a person for drunkenness shall make a complaint against him for that offence. Any person so arrested may make to the officer in charge of the place of custody in which he is confined, a written statement, addressed to the court having jurisdiction of his case, giving his name and address, what persons, if any, are dependent upon him for support; his place of employment, if any; and whether he has been arrested for drunkenness before within the twelve months next preceding, together with a request to be released from custody. He shall be informed by said officer of his right to make such statement and request. The officer who receives such statement shall endorse thereon the name of the arresting officer, and, if the arrest was made within the jurisdiction of a court having a probation officer, shall transmit said statement to said officer, who shall at once inquire into the truth or falsity thereof, and into the record of said person as to previous similar offences, and shall endorse thereon, over his own signature, for the use of the court having jurisdiction of the case, the result of the investigation, and the court thereupon, in its discretion, may direct that such person be released from custody without arraignment. If the arrest is made within the jurisdiction of a trial justice the officer in charge of the place of custody shall transmit such statement, with the prisoner, to the trial justice, for his use in the trial and disposition of the case. No officer making an arrest under the provisions of this act shall be liable for illegal arrest or imprisonment if the person arrested shall be released from custody upon his own request, as herein provided.

SECTION 2. Sections two and three of chapter four hundred and twenty-seven of the acts of the year eighteen hundred and ninety-one are hereby repealed.

SECTION 3. This act shall take effect on the first day of July in the year eighteen hundred and ninety-three.

Approved June 3, 1893.

AN ACT IN ADDITION TO THE SEVERAL ACTS MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW. Chap. 415

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year and for certain other expenses authorized by law, to wit : — Appropriations.

For expenses in connection with the act relative to the supervision of the state printing, a sum not exceeding one thousand dollars, as authorized by chapter two hundred and eighty-seven of the acts of the present year. State printing.

For the salaries of the harbor and land commissioners, the sum of nine hundred dollars, as authorized by chapter two hundred and ninety-eight of the acts of the present year, being in addition to the fifty-five hundred dollars appropriated by chapter eight of the acts of the present year. Harbor and land commissioners.

For the payment of salaries at the Massachusetts reformatory at Concord, a sum not exceeding two thousand dollars, as authorized by chapter three hundred and thirty-three of the acts of the present year, the same to be in addition to the sixty-nine thousand dollars appropriated by chapter twenty of the acts of the present year. Massachusetts reformatory.

For the salary of the first clerk in the office of the sergeant-at-arms, a sum not exceeding four hundred dollars, as authorized by chapter three hundred and fifty-eight of the acts of the present year, the same to be in addition to the eighteen hundred dollars appropriated for the salary of the clerk to the sergeant-at-arms, who by this act is made first clerk, by chapter three of the acts of the present year. Sergeant-at-arms, first clerk.

For expenses in connection with providing uniform practice and procedure in courts of probate and insolvency, as authorized by chapter three hundred and seventy-two of the acts of the present year, a sum not exceeding one thousand dollars. Courts of probate and insolvency.

For expenses in connection with the act in relation to the granting of licenses for the sale of intoxicating liquor in towns which are summer resorts, a sum not exceeding three hundred dollars. Liquor licenses in summer resorts.

Highway com-
mission.

For printing the report of the commission to improve the highways of the Commonwealth, as authorized by chapter forty-five of the resolves of the present year, the sum of four hundred forty-seven dollars and twenty-one cents, the same to be in addition to any amount heretofore appropriated.

Free public
library commis-
sion.

For printing extra copies of the annual report of the free public library commission, the sum of eighty-eight dollars and ninety-one cents, as authorized by chapter sixty-nine of the resolves of the present year.

Surgeon gen-
eral.

For the payment of certain bills authorized by the surgeon general, the sum of two hundred seventeen dollars and eighty-eight cents, as authorized by chapter seventy of the resolves of the present year.

Metropolitan
park commis-
sion.

For printing and binding additional copies of the report of the metropolitan park commission, as authorized by chapter seventy-one of the resolves of the present year, a sum not exceeding eighteen hundred dollars, the same to be in addition to any amounts heretofore appropriated.

Northampton
lunatic hospital.

To provide for the enlargement and repair of the state lunatic hospital at Northampton, a sum not exceeding twenty-five thousand dollars, as authorized by chapter seventy-two of the resolves of the present year.

Eliza M. Doyle.

For Eliza M. Doyle, the sum of one hundred and fifty dollars, as authorized by chapter seventy-three of the resolves of the present year.

Naval battalion.

For certain expenses of the naval battalion, Massachusetts volunteer militia, a sum not exceeding twenty-five hundred dollars, as authorized by chapter seventy-four of the resolves of the present year.

Worcester luna-
tic hospital.

For repairs and improvements at the Worcester lunatic hospital, a sum not exceeding twenty thousand dollars, as authorized by chapter seventy-six of the resolves of the present year.

Westborough
insane hospital.

For repairs and improvements at the Westborough insane hospital, a sum not exceeding ten thousand eight hundred dollars, as authorized by chapter seventy-seven of the resolves of the present year.

State hatchery.

For repairs and improvements to the state hatchery at Wilkinsonville in the town of Sutton, a sum not exceeding two thousand dollars, as authorized by chapter seventy-eight of the resolves of the present year.

Massachusetts
troops at Chat-
taooga.

For expenses in connection with ascertaining and marking positions occupied by Massachusetts troops at

Chattanooga, as authorized by chapter seventy-nine of the resolves of the present year, a sum not exceeding five hundred dollars.

For the purchase of furniture and for furnishings for the offices of the metropolitan sewerage commissioners, a sum not exceeding forty-five hundred dollars, as authorized by chapter eighty-one of the resolves of the present year.

Metropolitan sewerage commissioners.

For additional fire escapes at the Westborough insane hospital, a sum not exceeding seven hundred dollars, as authorized by chapter eighty-three of the resolves of the present year.

Westborough insane hospital.

For painting at the reformatory prison for women, a sum not exceeding fifteen hundred dollars, as authorized by chapter eighty-four of the resolves of the present year.

Reformatory prison for women.

For the widow of the late John H. Paine, the sum of two thousand seventy-six dollars and sixty-seven cents, as authorized by chapter eighty-five of the resolves of the present year.

Widow of John H. Paine.

For expenses in connection with the boundary lines between the Commonwealth of Massachusetts and the states of New Hampshire and Vermont, as authorized by chapter eighty-seven of the resolves of the present year, a sum not exceeding five thousand dollars.

New Hampshire and Vermont boundary lines.

To enable the Commonwealth to be properly represented at the world's Columbian exposition at Chicago, Illinois, on the seventeenth day of June of the present year, a sum not exceeding twelve thousand dollars, as authorized by chapter eighty-eight of the resolves of the present year.

World's Columbian exposition.

For the purpose of erecting a new normal school building in the city of Salem, a sum not exceeding fifty thousand dollars; and the proceeds of the sale of the present normal school building and site may be used by the state board of education for the purchase of a new site or for such other expenses in connection with said school building as may be necessary; all of which is authorized by chapter ninety-one of the resolves of the present year.

Salem normal school.

For repairs to workshops damaged by fire at the state prison, a sum not exceeding twenty-five hundred dollars, as authorized by chapter ninety-two of the resolves of the present year.

State prison.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1893.

Chap.416 AN ACT RELATING TO AN ACT RELATIVE TO THE LAYING OUT OF
PUBLIC PARKS BY TOWNS AND CITIES.

Be it enacted, etc., as follows :

1893, 300, §6,
repealed.

SECTION 1. Section six of chapter three hundred of the acts of the year eighteen hundred and ninety-three, being an act relative to the laying out of public parks by towns and cities, is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1893.

Chap.417 AN ACT TO CODIFY AND CONSOLIDATE THE LAWS RELATING TO
ELECTIONS.

Be it enacted, etc., as follows :

TITLE I.

1. GENERAL PROVISIONS.

Election act of
1893.

SECTION 1. This act shall be known and may be cited as the Election Act of Eighteen Hundred and Ninety-Three.

Certain terms
defined.

1889, 413, §1;
1890, 423, §1;
1892, 351, §1.

SECTION 2. Terms used in this act and in statutes relating to elections shall have application as hereinafter set forth, unless other meaning is clearly apparent from the language or context, or from the manifest intent.

The term "state election", shall apply to any election held for the choice of a national, state, district or county officer, by the qualified voters, whether for a full term or for the filling of a vacancy; and the term "state officer", shall apply to any person to be chosen by the qualified voters at such an election. The term "city election", shall apply to any election held in a city for the choice of a city officer, by the qualified voters, whether for a full term or for the filling of a vacancy; and the term "city officer", shall apply to any person to be chosen by the qualified voters at such an election. The term "town election", shall apply to any meeting held for the election of town officers, by the qualified voters, whether for a full term or for the filling of a vacancy; and the term "town officer", shall apply to any person to be chosen by the qualified voters at such a meeting. The term "election", shall also apply to the taking of a vote upon a proposed amendment to the constitution, upon the question of granting licenses for the sale of intoxicating liquors in a city or town, and upon any other question submitted by statute to the vote of the people. The term

“caucus”, shall apply to any public meeting of qualified voters of a ward of a city, or of a town, or of a representative district, held for the nomination of a candidate for election, for the selection of delegates to a political convention, or for the appointment of a political committee, under this act. The term “election officer”, shall apply to wardens, clerks, inspectors and ballot clerks, and, when on duty, to the deputies of any such officers, and also to selectmen, town clerks, moderators and tellers when taking part in the conduct of elections. The term “presiding officer”, shall apply to the warden, chairman of selectmen, moderator or town clerk, in charge of a polling place at an election, or, in case of the absence of any such superior officer, to the deputy warden or the clerk or senior inspector or senior selectman present, who shall have charge of a polling place in the absence of such superior officer. The term “polling place”, shall apply to the room or place provided in a ward of a city, or in a voting precinct of a city or town, or in a town within which an election is held. When reference is made in this act to town elections or meetings, at or for which ballots are provided at the expense of the town, such terms shall be held to apply to elections or meetings held for the election of town officers in towns, which have accepted the provisions of chapter three hundred and eighty-six of the acts of the year eighteen hundred and ninety, and in towns which have voted that ballots shall be so provided in accordance with section two hundred and ninety-three of this act. The term “two leading political parties”, shall apply to the two political parties which cast the largest and next largest number of votes for governor at the preceding annual state election.

Certain terms defined.

SECTION 3. In all elections of civil officers by the people, the person receiving the highest number of votes for an office shall be deemed and declared to be elected to such office; and if two or more persons are to be elected to the same office, the several persons, up to the number to be chosen to such office, receiving the highest number of votes, shall be deemed and declared to be elected; but if two or more persons receive the same number of votes, they shall not be deemed to be elected if thereby a greater number would be elected than are by law to be chosen to such office.

Person receiving highest number of votes to be deemed elected, etc.
1890, 423, §96.

Elections in cities to be held on Tuesdays, etc. 1890, 423, §142.

Reckoning time in election laws. 1890, 423, §187; 1891, 74, §1.

Indians as citizens, rights, privileges, etc. 1892, 351, §5.

Time to be allowed for voting of employees. 1890, 423, §143.

Places for posting lists and notices. 1892, 351, §37.

Sale, etc., of intoxicating liquors on election days. 1885, 216; 1889, 186, 361.

SECTION 4. All elections in cities which by any statute are appointed to be held on a Monday, shall be held on the Tuesday next succeeding such Monday.

SECTION 5. In reckoning the number of days in a period of time allowed or required by the provisions of this act and of other statutes relative to elections, Sundays and holidays shall be included; except that, if a period of time follows a certain day, act, or event, and the final day of such period falls on a Sunday or a holiday, then the day succeeding such Sunday or holiday shall be considered the final day of the period; and, if a period of time precedes a certain day, act, or event, and the first day of such period falls on a Sunday or a holiday, then the day preceding such Sunday or holiday shall be considered the first day of the period.

SECTION 6. Indians residing within this Commonwealth shall, as citizens thereof, have all the rights, privileges and immunities, and be subject to all the duties and liabilities, to which all other citizens of the Commonwealth are entitled and subject.

SECTION 7. No person entitled to vote at a state election shall, upon the day of any such election, be employed in any manufacturing, mechanical or mercantile establishment, except such establishment as may lawfully conduct its business on Sunday, during the period of two hours after the opening of the polls in the voting precinct or town in which he is entitled to vote, if he shall make application for leave of absence during such period.

SECTION 8. Assessors, registrars of voters, city and town clerks and other officers, who are required by law to post lists and notices relating to elections, shall post all such lists and notices at or as near as may be to the places in which voting lists are required to be posted by the provisions of section sixty-four of this act.

SECTION 9. No common victualler having a license of the first, second or third class mentioned in section ten of chapter one hundred of the Public Statutes, for the sale of intoxicating liquors under the provisions of said chapter, and no person, other than a wholesale druggist, having a license therefor of the fourth or fifth class mentioned in said section ten, shall sell, give away or deliver on the licensed premises any such liquors on the day on which a state, city or annual town election is held in the city or town in which such premises are situated; and no

innkeeper having a license for the sale of intoxicating liquors as aforesaid shall, on the day of any such election, sell, give away or deliver in his inn any such liquors to other than guests duly registered therein; except that this section shall not apply, in case of an election held in a city on a day other than that of the annual city election therein, to wards in which no election is held.

SECTION 10. In any criminal prosecution for the violation of any law relating to caucuses or elections, if the defendant relies upon the invalidity, irregularity or informality of any caucus or election, or upon the failure or neglect of any officer or person to do or perform any act or thing whatsoever in relation to any caucus or election, or matters or things pertaining thereto, he shall prove such invalidity, irregularity, informality, failure or neglect; and until such proof by such defendant, the presumption shall be that such caucus or election was valid and regular; and that such officer or person acted as prescribed by law; and the testimony of the clerk of the city or town, wherein it is alleged that such election was held, or of the presiding officer or secretary of such caucus, that such election or caucus was actually held, shall be prima facie evidence that the same was regularly and duly held; but nothing in this section shall preclude proof of the validity or regularity of such caucus or election in any other legal manner.

Caucus, etc., to be deemed regular in criminal prosecutions. 1890, 393, §1.

SECTION 11. In any criminal prosecution for the violation of any law in reference to the registration, qualification or assessment of voters, or in reference to voting lists or ballots, if the defendant relies upon the invalidity, informality or irregularity of such registration, qualification or assessment, or of such voting lists or ballots, or matters or things pertaining thereto, he shall prove such invalidity, irregularity or informality; and until such proof by such defendant, the presumption shall be that such registration, qualification or assessment, or voting lists or ballots, are valid and regular, and in accordance with law; but nothing in this section shall preclude proof of the validity, regularity or formality of such registration, qualification or assessment of voters, or of such voting lists or ballots, or matters or things pertaining thereto, in any other legal manner.

Registration, etc., to be deemed regular in criminal prosecutions. 1890, 393, §2.

SECTION 12. The provisions of this act, so far as they are the same as those of existing statutes, shall be con-

How act is to be construed.

Repeal not to
affect, etc.
1890, 423, §227.

strued as a continuation of such statutes, and not as new enactments; and the repeal by this act of any provision of law shall not affect any act done, liability incurred, or any right accrued and established, or any suit or prosecution, civil or criminal, pending or to be instituted to enforce any right or penalty or punish any offence under the authority of the repealed statutes.

TITLE II.

1. QUALIFICATIONS OF VOTERS.

Qualifications,
of male voters.
1892, 351, §2.

SECTION 13. Every male citizen of twenty-one years of age or upwards, not being a pauper or person under guardianship, who is able to read the constitution of the Commonwealth in the English language and write his name, and who has resided within the Commonwealth one year and within the city or town in which he claims a right to vote, six calendar months next preceding a state, city or town election, may have his name entered upon the list of voters in such city or town, and shall have the right to vote therein in any such election, or in any meeting held for the transaction of town affairs, upon complying with the requirements hereinafter set forth; and, except as above provided, no male person shall have his name entered upon the list of voters, or have the right to vote, except that no person who is prevented from reading or writing as aforesaid by a physical disability, or who had the right to vote on the first day of May in the year eighteen hundred and fifty-seven, shall, if otherwise qualified, be deprived of the right to vote by reason of not being able so to read or write; and no person having served in the army or navy of the United States in the time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of receiving or having received aid from any city or town; and further, no person, otherwise qualified to vote for national or state officers, shall, by reason of a change of residence within the Commonwealth, be disqualified from voting for such officers in the city or town from which he has removed his residence, until the expiration of six calendar months from the time of such removal.

soldier, etc.,
receiving aid.
1892, 351, §6.

removal of
residence.
1892, 351, §4.

SECTION 14. Every female citizen of twenty-one years of age or upwards, not being a pauper or person under guardianship, who is able to read the constitution of the Commonwealth in the English language and to write her name, and who has resided within the Commonwealth one year and within the city or town in which she claims a right to vote six calendar months next preceding an election for school committee, may have her name entered upon the list of voters for school committee in such city or town, and shall have the right to vote therein in every such election for members of the school committee, upon complying with the requirements hereinafter set forth; and, except as aforesaid, no female person shall have her name entered upon the list of voters or have the right or be allowed to vote, except that no female person who is prevented from reading or writing as aforesaid by a physical disability shall, if otherwise qualified, be deprived of the right to vote by reason of not being able so to read or write.

Qualifications of female voters, etc.
1892, 351, §3.

SECTION 15. A person qualified to vote in a city or town, which is divided into wards or voting precincts, shall be registered and be entitled to vote in the ward or voting precinct in which he resided on the first day of May preceding the election, or, if he first became an inhabitant of such city or town after such first day of May, in the ward or voting precinct in which he first thereafter became a resident.

Place of registration and voting.
1892, 351, §4.

2. ASSESSMENT OF POLL TAXES AND LISTS OF PERSONS ASSESSED.

SECTION 16. The assessors, by one or more of their number, or by one or more assistant assessors, shall, in the month of May or June in each year, visit every building in their respective cities and towns, and, after diligent inquiry, make true lists containing, as near as they can ascertain the same, the name, age, occupation and residence, on the first day of May in the current year, and the residence on the first day of May in the preceding year, of every male person twenty years of age or upwards, residing in their respective cities and towns, liable to be assessed for a poll tax; and shall receive the request of every woman twenty-one years of age or upwards, residing in their respective cities and towns on the first day of May in the current year, who, in a writing signed by her,

Assessors, to make lists of persons, etc., liable to be assessed a poll tax.
1892, 351, §7.

to receive requests of women for registration.

requests that her name be transmitted to the registrars of voters for the purpose of registration.

Assessors, to
correct errors,
etc.

The assessors shall, upon the personal application of an assessed person for the correction of any error in their original lists, and whenever informed of the existence of any such error, make due investigation, and, upon proof of error, correct the same on their books. They shall cause to be preserved for the space of two years all applications, certificates and affidavits received by them under this section.

to preserve
papers for
two years.

to furnish
registrars and
collectors lists,
notices, etc.
1892, 351, §5.

SECTION 17. The assessors in each city and town shall promptly, from time to time, and before the fifteenth day of July in each year, transmit to the registrars of voters the lists made as provided in the preceding section, or certified copies thereof, and shall promptly transmit to the registrars and to the collector of taxes notice of every addition to and correction in the lists made by them; they shall also promptly transmit to the registrars the requests of all women which shall have been received by them as aforesaid; and every assessor, assistant assessor and collector of taxes shall furnish all information in his possession necessary to aid the registrars in the discharge of their duties.

Assessors, col-
lectors, etc., to
furnish informa-
tion.

Assessors, of
cities and cer-
tain towns to
make, etc.,
street lists of
assessed polls.
1892, 351, §9.

SECTION 18. The assessors of cities shall, on or before the fifteenth day of July in each year, and the assessors of towns having over five thousand inhabitants according to the last state or national census, as the case may be, shall, on or before the first day of August in each year, prepare street lists containing the names of all persons assessed by them for poll taxes for the current year, which lists shall, for cities and for towns divided into voting precincts, be arranged by voting precincts. They shall print such lists in pamphlet form, shall deliver to the registrars as many copies thereof as the registrars may require, and shall hold the remainder of the copies for public distribution. In every town containing less than five thousand inhabitants according to such census, the assessors shall, on or before the first day of August in each year, cause printed or written lists of all persons assessed therein for poll taxes to be prepared and conspicuously posted in two or more public places in every such town.

of certain
towns to
post lists of
assessed polls.

Form and con-
tents of street
lists.
1892, 351, §10.

SECTION 19. The assessors, in the preparation of street lists as above provided, shall name or designate all buildings used as residences, in the order in which they stand

on the street or other way on which they are located, shall give the number or other definite description of each building, so that it can be readily identified, and shall place opposite or under each number or other description given of a building, the name, age and occupation of every person residing in such building on the first day of May of the current year and assessed for a poll tax, with his residence on the first day of May of the preceding year.

SECTION 20. If a male person, who has not been previously assessed for a poll tax for the year beginning with the preceding first day of May, shall, on or before the day fixed by law for the close of registration in a city or town, appear in person and prove to the satisfaction of the assessors that he was on such preceding first day of May an inhabitant of such city or town, and liable to pay a poll tax therein, and shall under oath furnish a true list of his polls and of his estate, both real and personal, not exempt from taxation, the assessors shall thereupon assess him for his polls and estate, and shall give him a certificate of such assessment, which on presentation to the registrars of voters shall be taken by them as prima facie evidence of the facts therein stated.

Assessment, of a person not previously assessed, 1890, 423, §14.

SECTION 21. The assessors of a city or town, upon receipt from the registrars of voters of notice of the registration by them as a voter, of a person who was a resident of such city or town on the preceding first day of May, but who was not assessed therein for a poll tax, shall forthwith assess such person for his polls and estate, unless he is by law exempt from assessment.

of a person on notice from registrars. 1892, 351, §26.

SECTION 22. All assessments made in accordance with the preceding two sections shall be subject to the provisions of section seventy-three of chapter eleven of the Public Statutes, and shall be entered in the tax list of the collector of taxes of the city or town, and be collected by him according to law.

subject to P. S. 11, §73; collection. 1892, 351, §26.

SECTION 23. The city or town clerk or registrar of deaths in each city and town shall, on the first day of every month, and also two days before every election, transmit to the registrars of voters a list of the names of all residents of such city or town of twenty-one years of age or upwards, who have deceased within the preceding month, or since the date of the list previously transmitted, together with a statement of the street and number therein, and the ward, if any, in which such person resided at the date of his death.

Names, etc., of certain persons deceased to be sent to registrars. 1892, 351, §39.

3. REGISTRARS OF VOTERS.

Registrars, in
certain cities,
appointment.
1888, 70; 1889,
69; 1890, 423, §19.

term of office.

city clerk to
cease to be a
member.

clerk.

In the city
of Boston,
appointment,
term of office.
1874, 60, §1.

SECTION 24. In every city which shall, by vote of the city council approved by the mayor, accept the provisions of this section, and in every city which has accepted the provisions of chapter sixty-nine of the acts of the year eighteen hundred and eighty-nine or of section nineteen of chapter four hundred and twenty-three of the acts of the year eighteen hundred and ninety, or which is now subject to similar provisions of law, there shall be a board of registrars of voters, consisting of four persons, who shall be appointed by the mayor with the approval of the board of aldermen. When a board of registrars is first appointed in a city, after the acceptance of the provisions aforesaid, two registrars shall be appointed in the month of March or April next succeeding such acceptance, and for terms respectively of three and four years, beginning with the first day of May next ensuing, and continuing until their respective successors are appointed and qualified. The city clerk of such city shall cease to be a member of the board of registrars on such first day of May, but the remaining two members of the existing board of registrars of such city whose terms do not then expire, shall continue to hold office for their respective terms of one and two years, and until their respective successors are appointed and qualified. In every year succeeding such first appointments the mayor shall, in the month of March or April, subject to the approval of the board of aldermen, appoint one person to be a registrar of voters for the term of four years, beginning with the first day of May then next ensuing, and until his successor is appointed and qualified. The board of registrars so constituted shall, in the month of May in each year, before transacting any other business, elect one of its members as clerk, who shall perform all the duties required by law of a city clerk when acting as clerk of the board of registrars.

SECTION 25. There shall be in the city of Boston a board of registrars of voters, consisting of three persons, who shall be appointed by the mayor, subject to the approval of the board of aldermen. The members of the existing board of registrars shall continue to hold office during their respective terms of service, and until their

respective successors are appointed and qualified; and in the month of March or April in each year the mayor of said city shall, subject to the approval of the board of aldermen, appoint one person to be a registrar of voters for the term of three years, beginning with the first day of May in the year of his appointment, and until his successor is appointed and qualified.

SECTION 26. In every city, except the city of Boston, to which the provisions of section twenty-four shall not apply, and in every town which shall have three hundred registered voters, as provided in the following section, there shall be a board of registrars of voters, consisting of the city or town clerk, and, in addition, three persons who shall, in a city, be appointed by the mayor, subject to the approval of the board of aldermen, and, in a town, shall be appointed by the selectmen, by a writing signed by them, or a majority of them, and filed with the town clerk. When a board of registrars is first appointed, the registrars shall be appointed in the month of March or April, for terms respectively of one, two and three years, beginning with the first day of May next ensuing, and continuing until their respective successors are appointed and qualified. In the month of March or April in every year succeeding the original appointment of a board of registrars, as aforesaid, one registrar shall be appointed for the term of three years, beginning with the first day of May next ensuing, and until his successor is appointed and qualified.

Registrars, in certain cities and towns, appointment, term of office. 1890, 423, §18.

SECTION 27. In every town having less than three hundred registered voters, as herein provided, the selectmen and town clerk shall constitute a board of registrars of voters, and shall perform all the duties and be subject to all the liabilities imposed by law upon registrars of voters. Whenever in any such town there shall be registered for the annual state election three hundred voters, a board of registrars shall in the succeeding year be appointed, as provided in the preceding section; and a board of registrars of voters, having been once so appointed in a town, shall continue to perform the duties of registration therein, notwithstanding the number of registered voters shall in any year be less than three hundred, except that, if, for three successive years, the number of such registered voters shall be less than three hundred, then on the first day of May succeeding the annual state election in such third

in small towns. 1890, 423, §59.

year, such board shall cease to exist and the duties thereof shall be thereafter performed by the selectmen and town clerk.

Registrars,
political repre-
sentation.
1890, 423, §18;
1891, 395.

SECTION 28. In the making of original and succeeding appointments and in the filling of vacancies, registrars of voters shall be so appointed that the members of every board shall equally, or as equally as possible, represent the two leading political parties at the state election next preceding such appointments, and in no case shall an appointment be so made as to cause a board to comprise more than two members, including the city or town clerk, of the same political party.

balance of
political parties
to be preserved.
1890, 423, §21.

SECTION 29. Whenever, upon written complaint to the mayor of a city or to the selectmen of a town, and after notice and hearing, it shall appear that the city or town clerk, when a member of the board of registrars, and two registrars, other than the one whose term of office next expires, are of the same political party, the mayor or selectmen, as the case may be, shall remove from office the one of such two registrars having the shorter term of service. Whenever, upon written complaint to the mayor of a city or to the selectmen of a town, and after notice and hearing, it shall appear that a registrar of voters, other than the city or town clerk, has ceased to act with the political party which he was appointed to represent, the mayor or selectmen, as the case may be, shall remove such registrar from office.

vacancies.
1890, 423, §18.

SECTION 30. In case of a vacancy occurring by reason of the death, resignation or removal from office of a registrar appointed as provided in the preceding sections, the mayor, subject to approval as aforesaid, or the selectmen, as the case may be, shall, in the manner above provided, appoint a person as aforesaid to serve for the remainder of the term and until his successor is appointed and qualified.

temporary
vacancies.
1890, 423, §19.

SECTION 31. Whenever a member of the board of registrars shall be incapacitated by sickness or other cause from performing the duties of his office, or shall, at the time of any meeting of said board, be absent from the city or town in which he is appointed, the mayor of the city or the selectmen of the town by a writing signed by them, or a majority of them, may, upon the request in writing of a majority of the remaining members of the board of registrars, appoint some person to fill the tempo-

rary vacancy caused as aforesaid. The person so appointed shall be of the same political party as the member of the board whose position he is appointed temporarily to fill. Such temporary registrar shall, during the time he holds his office, perform the same duties and be subject to the same requirements and penalties as are now provided by law for a registrar of voters.

SECTION 32. The registrars, appointed as provided in the preceding sections, shall, before entering upon the duties of their office, each take and subscribe an oath faithfully to perform the same, shall perform all the duties in relation to the registration of voters now imposed upon boards of registrars, and shall receive such compensation for their services as the city council or selectmen may, from time to time, determine; but such compensation shall not be regulated by the number of names registered on any list of voters, and any reduction of compensation shall take effect only upon such registrars as are appointed after such reduction. The city council or selectmen shall furnish office room for the registrars, and such aid as may be needed by them. The city or town clerk, when a member of a board of registrars, shall act as clerk of the board, shall keep a full and accurate record of its proceedings, and shall cause such notices as the registrars may require to be properly served or posted.

Registrars,
oath of office;
powers and
duties, com-
pensation.
1890, 423, §§18,
22.

office room;
clerk.

SECTION 33. The registrars of voters in the city of Boston shall, between the first day of May and the first day of October in each year, appoint assistant registrars of voters, not exceeding four for each ward, who shall hold office for the term of one year beginning with the first day of October, unless sooner discharged by the registrars. The city council of any city, other than the city of Boston, may provide for the appointment in like manner of two or more assistant registrars in such city. In the making of appointments both for the full term and in the filling of vacancies the registrars shall so appoint assistant registrars that they shall represent so far as possible the different political parties.

Assistant regis-
trars, appoint-
ment, term of
office, political
representation.
1889, 337, §2.

SECTION 34. The registrars of voters in the city of Boston, and in any other city which shall provide for the appointment of assistant registrars, may cause any of the duties devolving upon a single registrar under the various sections of this title to be performed by one or two assistant registrars, and they may designate two assistant

sessions,
regulations, etc.
1874, 60, §§7, 9;
1889, 337, §§2, 4.

registrars to hold such sessions as are by law required to be held outside of the principal office of the registrars; and in such case they shall, so far as possible, designate for such duty assistant registrars of different political parties. The registrars shall make such regulations for the government of the assistant registrars in accordance with the provisions of law as they may deem necessary; but in the performance of such duties every assistant registrar shall be subject to the same obligations and penalties as the registrar in the like case. All doings of assistant registrars shall be subject to the revision and acceptance of the registrars. Assistant registrars shall each be sworn to the faithful discharge of his duties by a registrar, and they shall receive such compensation for their services as the city council shall determine, but such compensation shall not be regulated by the number of names registered upon any list of voters. Registrars may remove any assistant registrar, and may fill any vacancy occurring in the number of assistant registrars for the remainder of a term.

Assistant
registrars,
regulations, etc.

Oath of office,
compensation,
removal, etc.

Registrars and
assistant regis-
trars to be qual-
ified voters, not
to hold other
offices, etc.
1889, §37, §3;
1890, §23, §§18,
19.

SECTION 35. No person shall be appointed a registrar of voters or an assistant registrar of voters, who is not a qualified voter of the city or town for which he is appointed, and no person shall be so appointed who holds an office by election or appointment under the government of the United States or, except as a justice of the peace or an officer of the state militia, of the Commonwealth, or who holds an office in the city or town for which he is appointed either by election or by direct appointment of the mayor of the city or of the selectmen of the town. The acceptance by a registrar or assistant registrar of an office which he is so prohibited from holding, shall be taken to be a resignation of his office as registrar or assistant registrar.

4. REGISTRATION OF VOTERS.

Registration,
quarters.
1892, §51, §14.

SECTION 36. Every city and town shall provide the registrars of voters with suitable quarters in which to hold sessions for the purpose of determining the qualifications of persons to be registered as voters.

Sessions in
cities.
1892, §51, §15.

SECTION 37. The registrars of voters, in every city, except the city of Boston, shall hold such day and such evening sessions as the city may by ordinance prescribe, and such other sessions as they shall themselves deem

necessary; and they shall in every year hold a continuous session from twelve o'clock, noon, until ten o'clock in the evening on the Saturday next but one preceding the annual state election, and a like continuous session on the Saturday next but one preceding the annual city election in every such city.

The registrars of voters in the city of Boston shall hold such day sessions as the said city may by ordinance prescribe, and such additional sessions as they shall themselves deem necessary; and they shall, in any event, hold in or near each ward in said city not less than ten evening sessions, each of at least three hours' duration, in the period beginning with the second day of September and ending with the Tuesday next but one preceding the annual state election, and the same number of like sessions in the period succeeding the annual state election and ending with the Tuesday next but one preceding the annual city election in said city; and they shall hold at their principal office a continuous session, from nine o'clock in the morning until ten o'clock in the evening, on the Tuesday next but one preceding the annual state election, and a like continuous session on the Tuesday next but one preceding the annual city election in said city.

Registration,
sessions in
Boston.
1892, 351, §16.

SECTION 38. The registrars in every town divided into voting precincts shall hold such sessions as the town may prescribe, and such other sessions as the registrars may themselves deem necessary; and they shall in every year, not more than twenty days before the annual state election, and also not more than twenty days before the annual town meeting, but in each case on or before the last day fixed for registration, hold at least one session at some suitable and convenient place within the limits of each voting precinct; and they shall hold a continuous session from twelve o'clock, noon, until ten o'clock in the evening on the Wednesday next preceding the annual state election, and also on the Wednesday next preceding the annual town meeting.

in towns
divided into
voting precincts.
1892, 351, §17.

SECTION 39. The registrars of voters in every town not divided into voting precincts shall hold such sessions as the town may prescribe, and such other sessions as the registrars may themselves deem necessary; and they shall in every year, not more than twenty days before the annual state election, and also not more than twenty days before the annual town meeting, but in each case on or

in towns not
divided into
voting precincts.
1892, 351, §§18,
19.

before the last day fixed for registration, hold sessions in two or more suitable and convenient places in such town; and they shall hold a continuous session from twelve o'clock, noon, until ten o'clock in the evening on the Wednesday next preceding the annual state election, and also on the Wednesday next preceding the annual town meeting. If in any such town ten or more voters residing in or near a village or locality which is distant two or more miles from the usual place of registration shall file with the town clerk, not less than eighteen days before the annual state election or the annual town meeting, a petition stating that there are in such village or locality ten citizens at least who are entitled and desire to be registered, then the registrars shall hold a session at some suitable and convenient place in such village or locality before the last day fixed for registration in such town preceding such election or meeting.

When registration shall cease.
1892, 351, §§15-18.

SECTION 40. In every city, except the city of Boston, registration shall cease at ten o'clock in the evening on the Saturday next but one preceding the annual state election, and shall be discontinued from that date until the election shall have been held; and registration shall likewise cease at ten o'clock in the evening on the Saturday next but one preceding the annual city election in such city, and be discontinued thenceforth until the election shall have been held. In the city of Boston the registration shall cease at ten o'clock in the evening on the Tuesday next but one preceding the annual state election, and be discontinued from that date until the election shall have been held; and registration shall likewise cease at ten o'clock in the evening on the Tuesday next but one preceding the annual city election, and be discontinued thenceforth until the election shall have been held. In every town registration shall cease at ten o'clock in the evening on the Wednesday next preceding the annual state election, and be discontinued from that date until the election shall have been held; and registration shall likewise cease at ten o'clock in the evening on the Wednesday next preceding the annual town meeting, and be discontinued thenceforth until the election shall have been held.

Registration for special elections.
1893, 209.

SECTION 41. In case an election is to be held in a city or town on a day other than the day of the annual state, city or town election therein, the registrars of voters shall,

for the registration of voters in such city or town, hold in some suitable and convenient place therein, a continuous session from twelve o'clock, noon, until ten o'clock in the evening, on the fourth day preceding such election, or if such day would fall on a Sunday, then on the fifth day preceding such election; except that in the city of Boston such session shall be held on the seventh day preceding the election. Registration in such city or town shall cease at ten o'clock in the evening of the day on which such session is held, and be discontinued therein until the election shall have been held.

SECTION 42. The registrars of voters shall not, after ten o'clock in the evening of a day on which registration is to cease as provided in the preceding sections, register any person as a voter, previous to the next succeeding election, except that nothing contained herein or in any section of this title shall prevent the entering upon the registers, after such time, of the names of persons whose qualifications as voters have been already examined, or the correction, in accordance with the provisions of this title, of any errors or omissions; but the registrars shall in every case require the vote by which such entry or correction is made to be attested by their clerk.

Entering names on registers after close of registration, etc. 1892, 351, §25.

SECTION 43. The registrars of voters shall prepare, and shall post or publish proper notices, in which they shall state the places and hours for holding day and evening sessions, and last sessions preceding an election, and shall further state in such notices that after ten o'clock in the evening of the last day fixed for registration they will not before the election add any name to the registers except the names of voters examined as to their qualifications since the preceding thirtieth day of April.

Notices of sessions for registration, etc. 1892, 351, §14.

SECTION 44. The registrars of voters in each city and town shall keep in blank books, to be provided for the purpose and to be known as general registers, records of all persons, both male and female, applying for registration, qualified to vote in the city or town. The registrars shall enter in the general register the name of every such voter written in full, or instead thereof the surname and first Christian name or that name by which he is generally known, written in full, and the initial of every other name which he may have, and also his age, place of birth, residence on the preceding first day of May, or at the time of first becoming an inhabitant of the city or town after

General register. 1892, 351, §§11, 22, 23.

entries.

the first day of May, the date of his registration and his residence at such date, his occupation and place of occupation, the name and location of the court which has issued to him letters of naturalization and the date thereof, if he is a naturalized citizen, and such other particulars as may be necessary fully to identify him as a voter; and the registrars shall require each voter to write his name in the register.

Voter to write his name in register.

Blank books to be furnished.

The books used for the general registers shall have uniform headings in substantially the following form, and blank books suitable for the purpose shall be furnished by the secretary of the Commonwealth at cost price to registrars applying therefor.

Form.

When Registered.	Name.	Signature of Applicant.	Residence May 1, or subsequent date.	Age.	Place of Birth.	Occupation.	Place of Occupation.	Minutes of Naturalization. Court Issuing Letters and date of Naturalization.	Residence at Date of Registration.	Remarks.

Annual register. 1892, 351, §12.

entries, arrangement, etc.

SECTION 45. The registrars of voters in each city and town shall, after the first day of May in every year, prepare an annual register containing the names of all qualified voters in such city or town for the current year, beginning with such first day of May. The names of voters in the annual register shall be arranged in alphabetical order, and, opposite the name of each voter, his residence on the first day of May preceding, or at the time after the first day of May of his first becoming an inhabitant of the city or town. The registrars shall enter in the annual register every name contained in the lists of persons assessed a poll tax for the current year as transmitted to them by the assessors, giving as his residence on the first day of May the place at which he was assessed a poll tax; and likewise the name and residence, as aforesaid, of every woman whose request for registration has been delivered to the assessors, and by them transmitted to the registrars in accordance with the provisions of this act: *provided, however*, in every case the registrars are able to identify the name so transmitted to them as that of a man or woman whose name was borne

on the voting list of such city or town at the last preceding election or town meeting. The registrars shall make all necessary inquiries and investigations in order to complete every such identification, and they shall not enter in the annual register the name of a person objected to by any one of the registrars until such person has been duly notified, and given an opportunity to be heard before the registrars. The registrars shall also forthwith enter in the current annual register the name of every other person, whose qualifications as a voter have been determined by them in the current year, and whose name has accordingly been entered in the general register.

Registrars to make inquiries, investigations, etc.

SECTION 46. Every person, whether male or female, whose name has not been entered in the annual register in accordance with the provisions of the preceding section must, in order to be registered as a voter in a city or town and vote therein, make application in person to a registrar at a place appointed for registration, and prove that he possesses the qualifications of a voter in such city or town.

Registration, personal application when name is not in annual register. 1892, 351, §13.

SECTION 47. Any registrar of voters may, in a place appointed for registration, during the hours designated for the purpose, on any day, except days on which registration is discontinued by law, receive applications for registration and examine under oath applicants and witnesses, but all doings of a single registrar shall be subject to the revision and acceptance of the registrars.

any registrar may examine applicants, etc. 1892, 351, §20.

SECTION 48. If an applicant's qualifications have not been determined by the registrars within the four years next preceding his application, the registrar, in making the examination, shall examine the applicant under oath in regard to his qualifications, shall, unless the applicant is prevented by physical disability from so doing, or unless he had the right to vote on the first day of May in the year eighteen hundred and fifty-seven, require him to read, in such manner as to show that he is neither prompted nor reciting from memory, at least three lines, other than the title, from an official edition of the constitution of the Commonwealth, and shall require him to write his name in the general register, as required by section forty-four of this act.

examination, etc., when qualifications have not been determined within four years, etc. 1892, 351, §22.

SECTION 49. If an applicant for registration presents a certificate from the assessors or a tax bill or notice from the collector of taxes, showing that he has been assessed

evidence of residence. 1892, 351, §21.

for a poll tax as a resident of the city or town on the preceding first day of May, the same shall be received by a registrar as prima facie evidence of such residence, but in case the applicant shall fail to present such certificate, bill or notice, he shall be required to satisfy the registrars that he has a residence in such city or town as required by law.

Registration, of
naturalized
citizen, etc.
1892, 351, §23.

SECTION 50. If an applicant for registration is a naturalized citizen, the registrar shall require him to produce for inspection his papers of naturalization, and to make oath that he is the identical person named therein, and shall, if satisfied that the applicant has been legally naturalized, make upon his papers a memorandum of the date of such inspection. The registrar shall not be obliged to require the production of papers of naturalization which have once been examined, and of which record has been made in the general register, as required by the provisions of this title.

of minor.
1892, 351, §24.

SECTION 51. If the registrars are satisfied upon examination that an applicant for registration possesses all the qualifications of a voter, except that of age, and will on or before the day of the next election or town meeting, attain the required age, they shall place the name of the applicant upon the registers for registration.

applicant to
be notified of
rejection, etc.
1892, 351, §25.

SECTION 52. In case the registrars of voters shall decline to register the name of any person examined for registration, and reported to them therefor by any registrar, they shall notify such person of their declining so to register his name, and give him a reasonable opportunity to be heard by them upon his application. The registrars shall likewise in case of rejection of an applicant who appears before them inform him of such rejection.

Revision and
correction of
registers.
1892, 351, §26.

SECTION 53. The registrars of voters shall, from time to time, revise and correct the general register and the current annual register in accordance with any facts which may be presented to them, and they shall strike therefrom the name of every deceased person which has been transmitted to them by the city or town clerk or the registrar of deaths in accordance with the provisions of section twenty-three of this title; but after the name of a voter has been placed upon the current annual register, they shall not strike it therefrom or change the place of residence as given thereon, unless the voter has deceased, or until they have sent a notification to him of their

intention so to do, offering him an opportunity to be heard in the matter.

SECTION 54. If a complaint in writing under oath shall be made, in a city seven days at least, or in a town four days at least, before an election or town meeting, to the registrars by a registered voter, stating that he has reason to believe and does believe that a certain person by him therein named has been illegally or incorrectly registered, and setting forth the reasons for such belief, the registrars shall examine into such complaint, and, if satisfied that there is sufficient ground therefor, shall summon the person complained of to appear before them at a certain place and time, before the next election or town meeting, to answer to the matters set forth in the complaint; and the substance of the complaint and a copy of this and the following section shall be set forth in the summons. Service of the summons shall be made, by an officer qualified to serve civil or criminal process, not more than fourteen days nor less than twenty-four hours before the day named for appearance, by the delivery of a copy of the summons to the person therein summoned, or by the leaving of such copy at his last and usual place of abode known to the officer; and the officer shall return the summons to the registrars before the day named for appearance, with a certificate of his doings endorsed thereon.

Illegal or incorrect registration.
1892, 351, §§27, 28.

service of
summons, etc.

SECTION 55. When a person summoned before the registrars of voters to answer a complaint made in accordance with the preceding section, appears before them, they shall examine him under oath, and shall receive other evidence which may be offered in regard to the matters set forth in the complaint; and, if satisfied that the person is properly registered as a qualified voter, they shall enter in the register a statement of their determination upon the facts required for registration; if, however, the registrars are satisfied that the person so appearing is not a qualified voter in the city or town, or if a person duly summoned in the manner aforesaid shall fail to appear as directed in the summons, without sufficient cause for his failure being shown, they shall strike his name from the register.

examination,
etc., entry in
register or
erasure of
name.
1892, 351, §29.

SECTION 56. The registrars of voters shall promptly transmit to the assessors of the city or town notice of every error which they shall discover in the name or residence of a person assessed therein, and they shall also

Notices to
assessors.
1892, 351, §26.

promptly transmit to the assessors the name and residence of every male person who shall, for the purpose of registration, prove that he was a resident of the city or town on the preceding first day of May, but whose name does not appear in the list of persons assessed for a poll tax transmitted to them by the assessors.

Registrars,
sessions and
records open
to public, etc.
1892, 351, §§14,
22.

SECTION 57. The registrars of voters shall, in the performance of their duties, act in open session, and not secretly. They shall in every case announce the name of an applicant for registration in a clear, audible and distinct tone of voice, before entering his name on the general register of voters. They shall keep all their records open at suitable times to public inspection.

to preserve
documents for
two years.
1892, 351, §14.

SECTION 58. The registrars of voters shall cause all written complaints and certificates received by them under the provisions of the various sections of this title, and all other documents in their custody relating to registration, to be preserved for a period of two years after the respective dates thereof.

authorized to
maintain order,
etc.
1892, 351, §20.

SECTION 59. Every registrar shall have authority to enforce regularity in all proceedings had before him, and to maintain order at and about the place where a session is held, or applications for registration are received, and to keep the access thereto open and unobstructed.

Police officers
at meetings.
1892, 351, §40.

SECTION 60. The board or officer in charge of the police force of a city or town shall, when requested so to do by the registrars of voters, detail a sufficient number of police officers to attend any meeting held by a registrar in the performance of his duties, and to preserve order and enforce the directions of the registrar.

Supervisors of
registration.
1892, 351, §38.

SECTION 61. The governor, with the consent of the council, shall, on the petition of not less than ten qualified voters of a city or town, appoint two supervisors of registration, for each place of registration in such city or town named in the petition. The two supervisors for each place of registration shall be appointed, one from each of the two leading political parties, to serve for the term of one year from the date of their appointment. The supervisors shall attend all sessions or meetings for registration held at the places for which they are appointed, and either of them may attach to any book or papers there used for purposes of registration, any statement touching the truth or fairness of the proceedings, which he may deem proper, and may add thereto his signature or other marks for the purpose of identification.

5. VOTING LISTS.

SECTION 62. The registrars of voters in each city and town shall, from the names entered in the annual register of voters, prepare voting lists for use at the several elections to be held therein. In such voting lists they shall place in alphabetical order the names of all voters entered on the annual register, and they shall place opposite the name of each voter his residence on the preceding first day of May, or at the time of his becoming an inhabitant of such city or town after the first day of May; and they shall place the names of women entered as voters in separate columns or lists. In cities they shall prepare such voting lists by wards, and if a ward of a city or a town is divided into voting precincts, they shall prepare the same by precincts, and shall place upon the lists for each ward or precinct, as the case may be, the names of all voters having therein a residence as above provided. They shall place upon the voting lists no names not entered in the annual register.

Voting lists, contents, arrangement, etc. 1892, 351, §30.

SECTION 63. The registrars of voters shall, at the end of the voting lists of each ward, voting precinct or town, as the case may be, place together, under a proper heading, the names of all persons who, by changes in city or town boundaries, may be by law entitled to vote for a part only of the whole number of officers to be voted for in a state election in such city or town.

names of certain voters at end. 1892, 351, §31.

SECTION 64. The registrars of voters in every city and town, twenty days at least before the annual city or town election, and in every city and town except the city of Boston, thirty days at least before the annual state election, and in the city of Boston twenty-four days at least before the annual state election, shall cause to be posted in their principal office and in one or more other public places in the city or town, copies of the voting lists prepared in accordance with the provisions of the preceding sections. In every city and town divided into voting precincts, the registrars shall, in addition, cause copies of the voting lists of each precinct to be posted in one or more public places in the precinct.

posting. 1892, 351, §32.

SECTION 65. After the voting lists have been prepared from the annual register and copies thereof have been posted as provided in the preceding sections, the registrars of voters shall, within forty-eight hours after adding

posting or publishing additional names. 1892, 351, §33.

a new name to the annual register, cause such name to be added to the lists so posted in their principal office. If, however, a city or town shall authorize the registrars to publish the names so added to the register, they may, instead of posting as aforesaid, cause all additional names to be printed in some one newspaper published in the city or town, or, if no newspaper is so published, then in some one newspaper published in the county in which such city or town is situated.

Voting lists,
certificate in
case of omission
or error.
1892, 351, §34.

proceedings at
polls.

for use at polls.
1889, 413, §20;
1890, 386, §14;
423, §556, 90;
1892, 51, §1;
351, §36.

Return of
assessed polls,
registered vot-
ers, etc.
1892, 351, §35.

SECTION 66. The registrars of voters shall, on the day of any election, give to a registered voter whose name has been omitted from the voting lists, or in whose name or residence, as placed on the voting lists, a clerical error has been made, a certificate containing the correct name and residence of the voter, signed by the registrars, or a majority of them, and directed to the presiding election officer of the ward, voting precinct or town, as the case may be, in which the voter was registered. On presentation of such certificate to the presiding officer, the person therein named shall be allowed to vote, and his name shall be properly checked on the certificate, and the certificate shall be attached to and considered a part of the voting lists and returned and preserved therewith.

SECTION 67. The registrars of voters, before every election, and meeting in a city or town, at which voting lists may be required to be used, shall cause to be prepared voting lists for each precinct, ward or town, as the case may be, in which such election or meeting is to be held, containing the names of all persons qualified to vote therein, with the residence of each such voter, as the same appears upon the annual register, and they shall seasonably transmit the same to the election officers in every such precinct, ward or town. Such voting lists shall be provided and furnished in duplicate for all elections and meetings in which duplicate lists are by law required to be used. In providing such lists for an election or meeting, other than an annual state, city or town election, voting lists in the form used or as printed for the preceding annual state, city or town election, as the case may be, may be used with such omissions, additions and corrections as by law are required therein.

SECTION 68. The registrars of voters in each city and town shall forthwith, after every last day for registration before an annual state, city or town election, fixed by

law, certify to the secretary of the Commonwealth the number of assessed polls and the number of registered male and female voters in the city or town, and in each ward and precinct therein; and they shall also certify the number of persons who by law are entitled to vote for a part only of the whole number of officers to be voted for at a state election in such city or town, and in each ward and precinct therein, together with the titles of the officers for whom such persons are entitled to vote.

In cities in which the city clerk is not a member of the board of registrars, the registrars shall likewise after the last day for registration for a city election, certify to the city clerk the number of registered male and female voters in the city and in each ward and voting precinct therein.

SECTION 69. The registrars of voters in a city or town, whenever a caucus is called therein in accordance with the provisions of this act, shall, on request of the person designated in the notice thereof to call the caucus to order, furnish him for use in the caucus a certified copy of the voting lists of the town, or of the ward of the city, for which the caucus is to be held, as last published according to law, together with such names of voters as have been added thereto since such publication.

Voting list for
use at caucus.

SECTION 70. The registrars of voters in every city, immediately after the annual city election in the year eighteen hundred and ninety-four, and in every tenth year thereafter, shall, for the purpose of furnishing to the city council and the board of aldermen the information necessary for the making of a new division of the city into wards and voting precincts, prepare, and, before the tenth day of February next ensuing, deliver to the city clerk of such city a list of all the male voters therein who were registered for such city election, which list shall be so made and arranged as to show the number of such registered voters who reside in each lot or block surrounded by streets in the limits of such city and any other subdivision of the city which the city council or board of aldermen may, before the first day of February, designate. The registrars shall likewise in any other year, upon request of the board of aldermen of a city, furnish for such purpose a list of the male voters of any ward in such city, made and arranged as aforesaid.

List of voters,
new division of
city into wards.
1888, 437, §§3, 5.

TITLE III.

1. CAUCUSES OR PUBLIC MEETINGS OF VOTERS.

Caucus, for nomination of candidates, selection of delegates, etc. 1888, 441, §§1, 7; 1890, 386, §4; 436, §6.

SECTION 71. A caucus of the qualified voters, or of a specified party or portion of the qualified voters in a ward of a city, or in a town, in which caucus at least twenty-five qualified voters participate and vote, and a caucus in a ward of a city or in a town of a political party which at the preceding annual state election polled for governor at least three per centum of the entire vote cast in the state for that office, may be called and held for the nomination of candidates to be supported at any city election, or at any election of town officers in a town for which ballots are provided at the expense of the town, or for the selection of delegates to a political convention, or for the appointment of a political committee. A caucus, as aforesaid, of the qualified voters in any representative district may likewise be held for the nomination of a candidate to be supported at a state election for representative in the general court; but otherwise no nomination of a candidate to be voted for in an electoral district or division containing more than one town or more than one ward of a city shall be made by a caucus. Every such caucus shall be called by a written or printed notice, specifying that the same is to be held in accordance with the provisions of the election act of eighteen hundred and ninety-three, and the provisions thereof shall then apply to the conduct and proceedings of every such caucus, but nothing herein shall prevent the enforcement at such caucus of further regulations not inconsistent with the provisions of this act. Except as above provided, no caucus or meeting shall be entitled to nominate a candidate for a public office, whose name shall be placed on the ballots provided in accordance with the provisions of this act, or shall be entitled to select delegates to a political convention for the nomination of a candidate, whose name shall be placed on the ballots so provided.

call.

entitled to nominate, etc.

temporary chairman; organization. 1888, 441, §2.

SECTION 72. The notice for a caucus under the provisions of this title shall designate by name or office the person who shall call such caucus to order; and the person so designated shall call the caucus to order and preside until a chairman is chosen. In case however the person so designated shall be absent at the time appointed, the

caucus may choose a temporary chairman to act in place of such person. The organization of the caucus by the choice of a chairman, secretary, and such other officers as the meeting may require, shall be the first business in order.

SECTION 73. A ballot shall be taken for the choice of any candidate, delegate or member of a political committee, to be selected by such caucus, in case ten or more of the persons present and entitled to vote therein shall in any case so request in writing; and, in case of such written request, a ballot shall be taken for the choice of the chairman of such caucus, unless the caucus shall vote to dispense with such ballot. Such written request may be presented to the presiding officer for the time being, by motion or otherwise, at any time before a choice of the officers to which it relates is effected. In balloting, the copies of the voting lists last published according to law, with such subsequent written additions thereto as may be certified by the registrars of voters, shall be used as voting lists.

Caucus, vote by ballot upon written request, etc. 1888, 441, §3.

SECTION 74. The secretary chosen at a caucus held under the provisions of this act shall, at the request in writing of ten voters entitled to vote therein, safely keep all ballots cast and voting lists used therein for the period of three months, and shall produce the same if called for by any court or justice.

preservation of ballots and voting lists. 1888, 441, §6.

2. NOMINATION OF CANDIDATES.

SECTION 75. Any convention of delegates representing a political party which, at the preceding annual state election, polled for governor at least three per centum of the entire vote cast in the state for that office, and any convention of delegates who have been selected in caucuses called and held in accordance with the provisions of this title, and any caucus called and held in accordance with those provisions, may, for the state or for the city, district, division or town, for which the convention or caucus is held, as the case may be, make one such nomination for each office therein to be filled at the election, by causing a certificate of nomination to be duly filed.

Nominations by caucus and convention. 1889, 413, §3; 1890, 436, §6.

SECTION 76. Every certificate of nomination shall state such facts as by the preceding sections are necessary for its acceptance, and as are required by the provisions of section seventy-nine of this title, shall be signed by the pre-

Certificate of nomination, signature and oath of officers. 1889, 413, §3; 1890, 386, §5.

siding officer and by the secretary of the convention or caucus, who shall add to their signatures their places of residence, and shall be sworn by such officers to be true to the best of their knowledge and belief; and certification of their oaths shall be annexed to the certificate of nomination.

Nomination
papers, number
of signatures.
1889, 413, §4;
1890, 386, §4.

SECTION 77. Nominations of candidates for any offices to be filled by the voters of the state at large may be made by nomination papers, setting forth such facts as are required by section seventy-nine of this title, and signed in the aggregate for each candidate by not less than one thousand qualified voters of the state. Nominations of all other candidates for offices to be filled at a state election, and of all candidates for offices to be filled at a city election, may be made by nomination papers as aforesaid, signed in the aggregate for each candidate by qualified voters of each electoral district or division for which the officers are to be elected, not less in number than one for every one hundred persons who voted for governor, at the preceding annual state election, in such district or division, but in no case less than fifty. Nominations of candidates for offices to be filled in a town election, may be made by nomination papers as aforesaid, signed in the aggregate for each candidate by qualified voters in each town, not less in number than one for every fifty persons who voted for governor at the preceding annual state election in such town, but in no case less than twenty. In the case of a first election to be held in a newly established ward of a city, the number of fifty shall constitute a sufficient number of signatures of voters upon a nomination paper for the nomination of a candidate who is to be voted for only in such ward; and in case of a first election in a town the number of twenty shall be a sufficient number for the nomination of a candidate who is to be voted for only in such town.

voter's signature, residence,
number of
nominations,
etc.
1889, 413, §4;
1890, 386, §4;
436, §§1, 10.

women may
sign, etc.

SECTION 78. Every voter signing a nomination paper shall sign the same in person, and shall add to his signature his place of residence, with the street and number thereof, if any; and every voter may subscribe to as many nominations for each office to be filled as there are persons to be elected thereto, and no more. Women qualified to vote for members of the school committee may sign nomination papers for candidates for the school committee. Every nomination paper shall, before being filed, be seasonably

submitted to the registrars of voters of the city or town in which the signers purport to be qualified voters, and the registrars, or a majority of the board, to whom the same is submitted, shall forthwith certify thereon the number of signatures which are names of qualified voters both in the city or town for which they are registrars and in the district or division for which the nomination is made. The registrars shall not however be required in any case to certify upon a nomination paper a greater number of names than such number as is required to make a nomination as aforesaid, with one fifth of such number added thereto. One of the signers to each separate nomination paper shall swear that the statements therein are true, to the best of his knowledge and belief, and the certification of such oath and the post office address of the signer shall be annexed to such paper.

Nomination papers, registrar's certificate, etc.

Oath of signer, etc.

SECTION 79. All certificates of nomination and nomination papers shall, besides containing the names of candidates, specify as to each: (1) his place of residence with street and number thereon, if any; (2) the office for which he is nominated; and (3), except as hereinafter provided, the party or political principle which he represents, expressed in not more than three words. In the case of electors of president and vice president of the United States, the names of the candidates for president and vice president may be added to the party or political designation. To the name of each candidate for the office of alderman at large in a city shall be added the number or letter of the ward in which the candidate resides.

Contents of certificates and papers.
1889, 413, §§5, 7;
1890, 386, §5;
436, §2; 1891,
269.

If a candidate is nominated otherwise than by a political party which at the preceding annual state election polled for governor three per centum of the entire vote cast for that office, the name of a party so polling three per centum of such entire vote shall not be used in the party or political designation of such candidate, except as describing and preceding some other name or term; and if so used in case of a candidate nominated by a nomination paper, the designation of such candidate shall consist of not more than two words, and to such designation shall be added the words "nomination paper," or, as abbreviated, "nom. paper." Certificates of nomination and nomination papers for the nomination of candidates for town offices may include a designation of the party or principle which the candidate represents, but no such designation shall be necessary.

Designation in certain cases.

Certificate of nomination for vacancy.
1891, 278.

SECTION 80. In case a nomination is made in accordance with the provisions of this act, to supply a vacancy caused by the death, withdrawal or ineligibility of a candidate, the certificate of nomination made for supplying such vacancy shall state, in addition to the other facts required by the provisions of this title, the name of the original nominee, the date of his death or withdrawal or of being found ineligible, and the proceedings had for supplying the vacancy; and the certificate shall be signed and sworn to by the presiding officer and secretary of the convention or caucus, or by the chairman and secretary of a duly authorized committee, as the case may be.

Nominations to be filed, etc.
1889, 413, §6;
1890, 386, §6;
1891, 305.

SECTION 81. Certificates of nomination and nomination papers for the nomination of candidates for state offices shall be filed with the secretary of the Commonwealth; and certificates of nomination and nomination papers for the nomination of candidates for city and town offices shall be filed in each city and town with the city or town clerk.

Last days for filing, with secretary.
1891, 305; 1893, 351.

SECTION 82. Certificates of nomination for the nomination of candidates for offices to be filled by the voters of the state at large shall be filed on or before the fifth Monday preceding the day of the election for which the candidates are nominated; and nomination papers for the nomination of such candidates shall be filed on or before the fourth Monday preceding the day of such election. Certificates of nomination for the nomination of candidates for all other state offices shall be filed on or before the third Thursday preceding the day of the election; and nomination papers for the nomination of all such candidates shall be filed on or before the third Friday preceding the day of the election; except that in case of an election held on a day other than that of the day of the annual state election to fill any state office, certificates of nomination shall be filed on or before the twelfth day preceding the day of such election, and nomination papers for the nomination of candidates to fill such office shall be filed on or before the eleventh day preceding the day of such election.

in cities.

In all cities, except the city of Boston, certificates of nomination for the nomination of candidates for city offices shall be filed on or before the second Wednesday preceding the day of the election; and nomination papers for the nomination of such candidates shall be filed on or before the second Friday preceding the day of the election.

in Boston.

In the city of Boston certificates of nomination for the

nomination of candidates for city offices shall be filed on or before the third Wednesday preceding the day of the election; and nomination papers for the nomination of such candidates shall be filed on or before the third Friday preceding the day of the election.

In towns certificates of nomination for the nomination of candidates for town offices shall be filed on or before the second Saturday preceding the day of the election, and nomination papers for the nomination of such candidates shall be filed on or before the Monday preceding the day of the election; except that whenever a town election is held on a day of the week other than Monday, such certificates of nomination and nomination papers shall be filed respectively on or before the ninth and seventh days preceding the day of the election.

Last days for filing, in towns.

SECTION 83. All certificates of nomination and nomination papers which are by law required to be filed with the secretary of the Commonwealth, or with the clerk of a city or town, shall be filed in the office of the secretary or of the city or town clerk, as the case may be, before five o'clock in the afternoon of the last day fixed by law for the filing thereof.

Last hour for filing.
1891, 74, §2.

No nomination paper offered for filing shall be received or deemed to be valid, unless there shall be presented for filing with such nomination paper the written acceptance of the candidate or candidates thereby nominated.

Acceptance to be filed, etc.
1893, 349.

SECTION 84. A person who has been nominated as a candidate for any state or city office in accordance with the provisions of this title, may cause his name to be withdrawn from nomination, by a request in writing signed by him and acknowledged before an officer qualified to take acknowledgments of deeds, and filed with the secretary of the Commonwealth, or the city clerk with whom the nomination was filed, within the seventy-two hours succeeding five o'clock of the last day fixed by law within which nomination papers may be filed for the nomination of candidates for such office. A person so nominated as a candidate for a town office may cause his name to be withdrawn from nomination, by a request signed and acknowledged as aforesaid, and filed with the town clerk within the twenty-four hours succeeding five o'clock of the last day fixed by law within which nomination papers may be filed as aforesaid.

Withdrawal of names of candidates.
1889, 413, §8;
1890, 436, §9;
1891, 155.

Nominations
valid unless
objected to, etc.
1889, 413, §7;
1890, 386, §6;
436, §9.

SECTION 85. When certificates of nomination and nomination papers have been filed in accordance with the provisions of this title, and are in apparent conformity therewith, they shall be deemed to be valid unless objections thereto are duly made in writing. Such objections, in the case of nominations of candidates for state offices and city offices, shall be filed with the secretary of the Commonwealth or the city clerk, as the case may be, within the seventy-two hours succeeding five o'clock of the last day fixed by law within which nomination papers may be filed for the nomination of candidates for such office. In the case of nominations of candidates for town offices such objections shall be filed with the town clerk within the twenty-four hours succeeding five o'clock of the last day fixed by law within which nomination papers may be filed as aforesaid.

Consideration
of objections,
etc.
1889, 413, §7;
1890, 386, §6;
1891, 270; 1892,
406, §1.

SECTION 86. Objections to certificates of nomination and nomination papers, which are filed in accordance with the preceding section, and all other questions arising in relation thereto, shall, in the case of nominations of candidates for state offices, be considered by the board established in accordance with the provisions of section ninety-two of this title, and known as the Ballot Law Commission. Such objections and questions arising in the case of nominations of candidates for city offices shall be considered by the board of registrars of voters of the city, together with the city clerk, if not a member of such board, and the city solicitor, and a decision of the majority of these officers shall be final. Such objections and questions arising in the case of nomination of candidates for town offices, shall be considered by the board of registrars of voters of the town, and a decision of the majority of such board shall be final. The boards constituted in cities and towns to consider such objections and questions may, at hearings upon any matters within their jurisdiction, summon witnesses and administer to them oaths, and may require the production of books and papers. Such witnesses shall be summoned in the same manner, be paid the same fees, and be subject to the same penalties for default, as witnesses before the superior court. A summons may be signed, and an oath may be administered by any member of such board.

Notice to candi-
dates and com-
mittee.

In case any such objection is filed, notice thereof shall be by the secretary, or city or town clerk, as the case may

be, be forthwith mailed to the candidates affected thereby, addressed to their residences as given in the certificates of nomination or nomination papers, and to any party committee known to the secretary or clerk, as the case may be, as specially interested in the nomination to which objection is made.

Whenever a greater number of candidates bearing the same political or other designation are nominated for an office than there are persons to be elected to such office, the officers charged, as above, with considering objections to such nomination, shall determine which of the candidates, if any, are entitled to such designation.

Determination when several candidates have same designation.

SECTION 87. In case a candidate who has been duly nominated for a state, city or town office, shall die before the day of election, or shall cause his name to be withdrawn from nomination, in accordance with the provisions of this title, or shall be found in accordance with the provisions thereof to be ineligible to the office for which he is nominated, the vacancy may be supplied by the political party or other persons making the original nomination, in the manner in which such nomination was originally made; or if the time is insufficient therefor, then the vacancy may be supplied, if the nomination was made by a convention or caucus, in such manner as the convention or caucus has previously provided for the purpose, or, in case no such previous provision has been made, then by a regularly elected general or executive committee representing the political party or persons holding such a convention or caucus.

Nomination in case of death, withdrawal etc. 1891, 278.

SECTION 88. All certificates of nomination and nomination papers, and all objections thereto and withdrawals, when filed, shall, under proper regulations, be open to public inspection, and the secretary of the Commonwealth and the several city and town clerks shall preserve the same in their respective offices for the period of one year.

Certificates, etc., public inspection, preservation, etc. 1889, 413, §9; 1890, 386, §6; 436, §§.

SECTION 89. All signatures required under the provisions of this title shall be made in person.

Signatures. 1890, 436, §10.

SECTION 90. The secretary of the Commonwealth shall, upon application, furnish blank forms for the nomination of candidates for all state offices; and blank forms for certificates of nomination of candidates for the office of representative in the general court shall be sent to the clerk of each city and town for the use of the presiding officer and secretary of any caucus or convention held therein in

Blank forms for nominations to be furnished. 1891, 329, §2.

accordance with the provisions of this act for the nomination of candidates for that office. The secretary of the Commonwealth shall likewise furnish to the clerks of towns, wherein ballots for town offices are provided at the expense of the town, blank forms for the nomination of candidates for town offices.

Anonymous
circulars, etc.,
prohibited.
1890, 381.

SECTION 91. No person shall write, print, post or distribute, or cause to be written, printed, posted or distributed, a circular or poster which is designed or tends to injure or defeat a candidate for nomination or election to a public office, by reflecting upon his personal character or political actions, unless there appears upon such circular or poster, in a conspicuous place, the names of the chairman and secretary, or the names of two officers, at least, of the political or other organization issuing the same, or the name and residence, with street and number thereof, if any, of some voter of the Commonwealth, as responsible therefor.

3. BALLOT LAW COMMISSION.

Ballot Law
Commission.
1892, 406, §1.

SECTION 92. The Ballot Law Commission shall consist of the secretary of the Commonwealth, the attorney-general, and three other persons who shall be appointed from different political parties by the governor, with the consent of the council, in the month of June or July in each year, and shall hold office for terms of one year beginning with the first day of August. Any vacancy occurring in the number of the three members so appointed shall be filled by appointment in like manner for the remainder of the unexpired term.

may summon
witnesses, etc.
1892, 406, §1.

SECTION 93. The ballot law commission may summon witnesses and administer to them oaths, and may require the production of books and papers at a hearing before them upon any matter within their jurisdiction. Witnesses shall be summoned in the same manner, be paid the same fees, and be subject to the same penalties for default, as witnesses summoned before the superior court. A summons may be signed and an oath may be administered by any member of the said board.

decision.
1892, 406, §1.

SECTION 94. The decision of a majority of the members of the board upon any matter within its jurisdiction shall be final.

SECTION 95. The appointed members of the ballot law commission shall be paid such compensation for their services, not exceeding three hundred dollars each, as the governor and council may determine; and the total expenditures by and on account of said commission shall not exceed the sum of fifteen hundred dollars in any one year.

Ballot law
commission,
compensation.
1892, 406, §§1, 2.

TITLE IV.

1. WARDS AND VOTING PRECINCTS.

SECTION 96. A city may, in the year eighteen hundred and ninety-five, and in every tenth year thereafter, before the first day of May in such year, by vote of its city council, make a new division of its territory into such number of wards as may be fixed by law; and the boundaries of such wards shall be so arranged that the wards shall contain, as nearly as can be ascertained, and as nearly as may be consistent with well-defined limits to each ward, equal numbers of legal voters. A division so established shall take effect in accordance with the provisions of section ninety-nine of this act.

Wards, new
division of
cities into.
1888, 437, §§1, 4.

SECTION 97. The several cities of the Commonwealth shall, for the choice of all officers who are elected by the people, be divided into convenient voting precincts containing not more than eight hundred registered male voters, and all such voting precincts shall be designated by numbers or letters of the alphabet.

Voting pre-
cincts, designa-
tion, etc.
1890, 423, §69.

Every ward of a city containing, according to the registration of voters at the preceding annual city election, eight hundred or less registered male voters, shall constitute a voting precinct, except that if a ward shall, according to such registration in any year, contain more than five hundred but not more than eight hundred such voters, the board of aldermen of the city may, on or before the first Monday of July in the following year, if they shall deem it expedient so to do, divide the same into two voting precincts. If a ward of a city constituting a single voting precinct shall, according to such registration, in any year contain more than eight hundred male voters, the board of aldermen shall, on or before the first Monday of July in the following year, divide the same into two or more voting precincts; and if a voting precinct of a ward shall, according to such registration in any

division, time,
boundaries, etc.

year, contain more than eight hundred male voters, the board of aldermen shall in like manner either divide such precinct into two or more voting precincts or shall make a new division of the ward into voting precincts, so that no such precinct shall contain more than eight hundred registered male voters. When wards are so divided into voting precincts, the precincts shall be established so as to contain, as nearly as may be, an equal number of voters, and in such manner that each precinct shall consist of compact and contiguous territory, and shall be entirely within one ward; and, so far as possible, the middle lines of known streets or ways, or other well-defined limits, shall be the boundaries of such precincts.

Voting precincts, under new division of wards.
1888, 437, §2;
1890, 423, §69.

SECTION 98. When a new division of the territory of a city into wards has been made, in accordance with the provisions of section ninety-six of this act, the board of aldermen of such city shall, on or before the first Monday of July in the year in which such new division has been made, divide such city into voting precincts, conformably to the provisions of the preceding section.

of new wards, proceedings in, prior to city elections.
1888, 437, §4.

SECTION 99. For the purposes of the annual state election in the year of any new division of a city into wards, or for the purpose of any election held prior to the annual state election in the next succeeding year for filling a vacancy among officers so elected, or a vacancy caused by a failure to elect, and for the purpose of any election which may be held prior to the annual city election next succeeding such new division, for the filling of a vacancy among officers elected at a previous city election, the wards and voting precincts as existing previous to such new division shall continue, and for such purposes election officers shall be appointed and hold office, and voting lists shall be prepared for each such voting precinct, and all other things required by law shall be done, as if no such division had been made. Election officers shall, notwithstanding, be appointed according to law for the new wards and voting precincts, who shall serve at the city election in the year of such new division, and likewise in all respects other than as above provided.

map or description, to be published, etc.
1890, 423, §70.

SECTION 100. Whenever a ward of a city has been divided into new voting precincts, or the voting precincts thereof have been changed, the board of aldermen of the city shall forthwith cause to be published a map or description of the division, in which the new precincts

shall be designated by numbers or letters, as the case may be, and shall be defined clearly and, so far as possible, by known boundaries; and they shall cause such map or description to be posted in ten public places, at least, in each precinct of a ward so divided, and also cause a reasonable number of copies thereof to be furnished to the registrars of voters and the assessors of such city, and to the election officers of each precinct so established.

SECTION 101. Whenever a town shall by vote accept the provisions of this section, the selectmen thereof shall, within sixty days after such acceptance, arrange a division of the town into convenient voting precincts for the choice of all officers which are elective by the people, except town officers. In arranging such division they shall, so far as possible, make the middle lines of streets or ways or other natural or well-defined limits the boundaries of the proposed precincts, and shall designate them by numbers or letters. They shall, when the same is completed, file a report of their doings with the town clerk, which report shall include a map or description of the proposed new precincts, designated by numbers or letters, as the case may be, and defined clearly and, so far as possible, by known boundaries, and their report shall also include a statement of the number of registered male voters in each proposed precinct, according to the registration made for the preceding annual state or town election, as the case may be. The report shall be presented by the town clerk to the town at the next succeeding town meeting, but it shall not be acted upon except at a meeting duly called for the purpose, and held seven days at least after the report has been filed as aforesaid with the town clerk. The division so arranged by the selectmen may be modified or amended at a meeting so held, and when adopted either in its original or amended form, by a majority of the legal voters then present and voting thereon, shall be operative. All elections of state officers thereafter in such town shall be held in the precincts so established, except that an election taking place after such division has been made, but before voting lists for each precinct have been prepared and copies thereof have been posted in the manner and for the number of days required by law, shall be held in the manner in which elections had previously been held in such town.

Voting precincts, in towns, duty of selectmen. 1890, 423, §72.

town clerk, town meeting.

state elections.

Voting pre-
cincts, changes
in.
1890, 423, §72.

SECTION 102. The voting precincts of a town may be changed at any town meeting duly called for the purpose, if the selectmen shall have filed in the office of the town clerk, seven days at least before the meeting, a statement of the contemplated changes, giving proper boundaries and the numbers or letters of the proposed precincts, and the number of registered male voters in each proposed precinct, according to the registration of voters in such town for the last preceding annual state or town election, as the case may be; but no changes other than those so proposed by the selectmen shall be made at such meeting.

map or de-
scription to be
posted, etc.

SECTION 103. Whenever a town has been divided into voting precincts or the voting precincts thereof have been changed, in accordance with the preceding sections, the selectmen shall cause a map or description of the new precincts, designated by numbers or letters, as the case may be, and defined clearly and, so far as possible, by known boundaries, to be posted in the office of the town clerk and in three public places, at least, in each such new precinct; and they shall also cause a reasonable number of copies of such map or description to be furnished to the registrars of voters and the assessors of such town, and to the election officers of each precinct so established.

discontinu-
ance.
1890, 423, §73.

SECTION 104. Any town which has been divided into voting precincts may, by vote at a meeting duly called for the purpose, discontinue all such precincts; and thereafter the provisions of law applicable to such precincts shall cease to apply to such town, and all subsequent elections therein shall be held as if no such division had been made. A town which has discontinued all its voting precincts may, however, in any subsequent year accept the provisions of section one hundred and one of this act and cause a division into voting precincts to be made thereunder.

may be again
established.

notice to be
given to secre-
tary, etc.
1890, 423, §§71,
72, 73.

SECTION 105. Whenever voting precincts have been established in a city or town, and whenever a change has been made in the wards or voting precincts of a city, or in the voting precincts of a town, the clerk of the city or town shall forthwith give a notice thereof in writing to the secretary of the Commonwealth, stating therein the number and designation of the wards and of the precincts in each ward of a city, or the number and designation of the precincts in each town, as the case may be. Notice in

writing of the discontinuance of voting precincts in a town shall likewise be given forthwith by the town clerk to the secretary of the Commonwealth.

2. ELECTION OFFICERS.

SECTION 106. The mayor of every city, in the month of September in each year, or as soon thereafter as possible, shall, with the approval of the board of aldermen, appoint as election officers for each voting precinct, one warden, one deputy warden, one clerk, one deputy clerk, four inspectors and four deputy inspectors, who shall be qualified voters in the ward of which such precinct forms a part. The mayor of any city may in like manner appoint, in addition to the above, two inspectors and two deputy inspectors. Such election officers shall be so appointed as equally to represent the two leading political parties, except that, without disturbing the equal representation of such two parties, not exceeding two of such election officers may be appointed from qualified voters not representing either of such two parties. The warden and two of the inspectors so required to be appointed shall be of a different political party from the clerk and the other two inspectors, and in each case a principal and his deputy shall be of the same political party. Every nomination of an election officer made by the mayor hereunder shall be acted upon by the board of aldermen not less than three nor more than ten days after it has been made. Every election officer so appointed shall hold office for the term of one year beginning with the first day of November succeeding his appointment and until his successor is appointed and qualified, or until his removal, as hereinafter provided. Any such election officer may be removed by the mayor, with the approval of the board of aldermen, upon written charges of incompetency or official misconduct, preferred either by the city clerk or by not less than six qualified voters of the ward in which the officer is appointed to act.

Election officers, in cities, qualified voters, appointment. 1890, 423, §75; 1891, 256; 1892, 431.

political representation.

action of the board of aldermen.

term of office.

removal.

SECTION 107. In case a vacancy in the number of the election officers appointed in accordance with the preceding section shall occur on or before the first day of November in any year, or, in a city, shall occur after the annual state election and one week at least before the annual city election, or in case any one of such election officers shall decline his appointment and give notice of his declination

vacancies, appointment, 1890, 423, §75.

Election officers, vacancy, election.

to the city clerk on or before the first day of November, or, if for an election other than the annual state, city or town election, the office of an election officer is for any reason vacant, the mayor, with the approval of the board of aldermen, shall appoint a person duly qualified to fill the office so vacant; and appointments for filling such vacancies shall be so made as to preserve the equal representation of the two leading political parties. In case the warden and deputy warden, or clerk and deputy clerk, or an inspector and his deputy, shall be absent on the day of election, either at the opening of the polls or at any time during the day, a suitable person shall be elected by the qualified voters of the precinct on nomination and by hand vote, and he shall have full power to act during the remainder of the time at that election, in place of the absent officer.

for voting precincts in towns, qualified voters, appointments. 1890, 423, §76; 1892, 431.

political representation.

SECTION 108. The selectmen of every town which is divided into voting precincts shall, at some time between the first and fifteenth days of October in each year, appoint as election officers for each voting precinct, one warden, one deputy warden, one clerk, one deputy clerk, two inspectors and two deputy inspectors, who shall be qualified voters of the precinct. The selectmen of any such town may, in like manner, appoint in addition to the above, two inspectors and two deputy inspectors. Such election officers shall be so appointed as equally to represent the two leading political parties, except that, without disturbing the equal representation of the two leading political parties, not exceeding two of such election officers may be appointed from qualified voters not representing either of such two parties. The warden and one of the inspectors so required to be appointed shall be of a different political party from the clerk and other inspector, and in each case the principal and his deputy shall be of the same political party. Every election officer so appointed shall hold office for a term of one year beginning with the first day of November succeeding his appointment, and until his successor is appointed and qualified, or until his removal, as hereinafter provided.

term of office.

removal.

Every such election officer may be removed from office by the selectmen, upon written charges of incompetency or official misconduct, preferred either by the town clerk or by not less than six qualified voters of the precinct for which the officer is appointed to act.

SECTION 109. In case a vacancy in the number of election officers, appointed in accordance with the preceding section, shall occur on or before the first day of November in any year, or in case any one of such election officers shall decline his appointment and give notice of his declination to the town clerk on or before the first day of November, the selectmen shall appoint a person duly qualified for the office so vacant; and appointments for filling such vacancies shall be so made as to preserve the equal representation of the two leading political parties. In case the warden and deputy warden, or clerk and deputy clerk, or an inspector and his deputy shall be absent on the day of election, either at the opening of the polls or at any time during the day, a suitable person shall be elected by the qualified voters of the precinct on nomination and by hand vote, and he shall have full power to act during the remainder of the time at that election, in place of the absent officer.

Election officers, vacancies, appointment.
1890, 423, §76.

election.

SECTION 110. No person shall at a state or city election be eligible for appointment or election as an election officer in a voting precinct or town in which he is a candidate for election, and if a person who has been appointed an election officer subsequently becomes such a candidate, and shall neglect forthwith to resign his position, the mayor or selectmen, as the case may be, shall, if he is a candidate at a state election, remove him from office before the first day of November, or, if he is a candidate at a city election, the mayor shall so remove him eight days at least before the day of the election.

candidates at state or city elections not eligible as, resignation, removal.
1890, 423, §78.

SECTION 111. If a warden, clerk or inspector is absent at the opening of the polls or subsequently on the day of election, or his office has become vacant, the person appointed as deputy of such officer shall act thereafter for that election, in his place, as warden, clerk or inspector, as the case may be. Except as aforesaid, no deputy officer shall have power to act in an official capacity or be admitted to the space reserved for election officers while the polls are open or during the counting of the votes thereafter.

deputy to act in absence of principal, etc.
1890, 423, §§75, 76.

SECTION 112. Every election officer appointed or elected in accordance with the preceding sections shall, before entering upon the performance of the duties of his office, be sworn to the faithful discharge of his duties. Such oath may be administered by a city or town clerk or

to be sworn, administration of oath.
1890, 423, §§75, 76.

by a justice of the peace ; and an election officer who has been chosen at the polls to fill a vacancy, or who has not been sworn before the day of election, may also be sworn by the warden or clerk of the voting precinct for which he is elected.

Ballot clerks of precincts, detail, duties. 1889, 413, §20; 1890, 423, §91.

SECTION 113. In all elections of state officers in a city and in a town divided into voting precincts, and in all elections of city officers in a city, the presiding election officer of each voting place or precinct shall detail two inspectors, who shall be of different political parties, to act as ballot clerks, who shall have charge of the ballots and shall furnish them to voters in accordance with the provisions of this act.

Presiding officer in towns not divided, etc. 1890, 423, §79.

SECTION 114. The selectmen in towns not divided into voting precincts shall preside at all meetings for the election of state officers, and shall have all the powers of wardens in cities or moderators in towns, but the chairman or senior member present of the selectmen, acting under their direction, shall be regarded as the presiding election officer for the enforcement of the provisions of this act.

Ballot clerks in certain towns, appointment, duties. 1890, 423, §77; 1891, 31.

SECTION 115. At state elections in towns not divided into voting precincts, and at town elections in towns for which ballots are provided at the expense of the town, the selectmen in each such town shall, at some time prior to the opening of the polls, appoint two qualified voters as ballot clerks, who shall have charge of the ballots and shall furnish them to voters in accordance with the provisions of this act. The selectmen or the moderator, as the case may be, presiding over any such election, may subsequently appoint additional ballot clerks, not exceeding in number one for every four hundred registered voters and majority fraction thereof, and may likewise fill any vacancy occurring in the number of ballot clerks after the opening of the polls. Such ballot clerks shall be so appointed, as equally as may be, to represent the two leading political parties, except that such additional ballot clerks may be appointed from qualified voters not representing either of such two parties. Every ballot clerk so appointed shall, before entering upon the performance of the duties of his office, be sworn to the faithful performance of his duties, and such oath may be administered by the presiding officer, for the time being, or the town clerk, and the town clerk shall make a record thereof.

political representation.

oath of office.

SECTION 116. Selectmen and wardens, and moderators, town clerks and justices of the peace, when presiding in towns at state and town elections, as the case may be, may appoint qualified voters of a town as tellers, to assist at the ballot box and in checking the names of voters upon the voting lists, and in canvassing and counting the votes; and they shall in any such case appoint tellers when requested in writing so to do by ten qualified voters of a town. When tellers are appointed as aforesaid at elections, for which ballots are provided at the expense of the Commonwealth or of the town, they shall be so appointed that the election officers, making and assisting in making the canvass and count of votes, shall equally represent the two leading political parties.

Tellers, appointment, duties, etc.
1890, 423, §§78, 80, 215, 222;
1891, 32.

political representation.

No person shall be eligible to the position of teller at an election in which he is a candidate to be voted for.

candidates not eligible as.

Tellers appointed as aforesaid shall be sworn to the faithful discharge of their duties, and the oath may be administered by the presiding officer, for the time being, or by the town clerk or a justice of the peace, and the clerk shall make a record thereof.

oath of office.

SECTION 117. In case of a vacancy in the office of city clerk of a city, or in case a city clerk shall be unable to perform the duties required by the provisions of this act, the mayor of the city shall appoint a clerk pro tempore for the purpose of performing, for the time being, the duties required hereunder, and such clerk pro tempore shall be sworn to the faithful discharge of his duties. In case of a vacancy in the office of the town clerk of a town, or in case a town clerk shall be unable to perform the duties required hereunder, the selectmen of the town shall appoint a clerk pro tempore in accordance with the provisions of section two hundred and eighty-five of this act.

City or town clerk pro tempore.
1890, 423, §164.

SECTION 118. Election officers shall, for the performance of their respective duties, attend in their respective voting precincts and towns at the times and places duly designated for the elections.

Election officers, attendance, etc.
1890, 423, §78.

SECTION 119. Election officers in each city and town shall receive such compensation for each day's actual service, as the city council of the city or the selectmen of the town may from time to time determine, but no deputy officer shall receive compensation, except for attendance at the opening of the polls or for services in place of an officer who is absent.

compensation.
1890, 423, §§75, 76, 78.

Supervisors of election, appointment, political representation. 1891, 264, §§1, 2.

to be sworn, powers and duties, compensation.

SECTION 120. The governor, by and with the consent of the council, shall, upon the petition in writing of ten qualified voters of a ward in a city or in a town, whether divided into voting precincts or not, presented to him twenty-one days, at least, before a state or city election therein, appoint for such ward or town or for each of such voting precincts as may be named in the petition, two qualified voters of the city or town, who shall not be signers of the petition or members of any regularly elected political committee or candidates for any office, to act as supervisors at such election. Such supervisors shall be appointed, one from each of the two leading political parties. They shall be sworn to the faithful discharge of their duties by the city or town clerk or by a justice of the peace. The supervisors shall be present at the several precincts or polling places, for which they are appointed, shall have the right to challenge illegal voters, and shall throughout witness the conduct of the election and the counting of votes, but they shall not make any statement tending to reveal the state of the polls, before the public declaration of the vote; and they shall remain where the ballot boxes are kept, at all times after the polls are open and until the ballots are duly sealed in envelopes for transmission to the officers entitled to receive them. Each supervisor shall have the right to affix his signature, for the purpose of identification, to the certificate of the number of votes cast, or to attach thereto any statement which he may desire to make touching the truth or fairness or conduct of the election. Supervisors so appointed shall receive such compensation for each day's actual service, as the city council of the city or the selectmen of the town may from time to time determine.

3. VOTING PLACES.

Polling place, designation, preparation, etc. 1890, 423, §74.

SECTION 121. The board of aldermen of every city, and the selectmen of every town divided into voting precincts shall, thirty days at least before the day of the annual state or city election in such city or town, and ten days at least before the day of any special election of a state or city officer therein, designate and appoint the polling place for each of the voting precincts in such city or town, and shall procure the same for such purpose, and cause it to be suitably fitted up and prepared therefor. Such poll-

ing place shall be in a public, orderly and convenient portion of the precinct; except that, when no such polling place can be had within the territorial limits of the precinct, the board of aldermen or selectmen, as the case may be, may designate and appoint a polling place in some public, orderly and convenient place within the limits of any one of the adjoining precincts of such city or town; and for the purposes of this act, the place so designated and appointed for the polling place of a precinct shall be deemed and taken to be included in and to be a part of such precinct, as though the same were within the territorial limits thereof. No building or portion of a building shall be designated, appointed or used as a polling place, in which, or in any part of which, intoxicating liquor is sold or has been sold within thirty days next preceding the day of the election. Whenever the polling places have been so designated in a city or town the board of aldermen of a city shall in at least ten public places, in each precinct of the city, and the selectmen of a town shall in at least three public places, in each precinct of the town, forthwith cause to be posted a printed description of the polling places so designated, and shall give such further notice thereof as they may in any case think necessary or proper.

Polling place, to be conveniently situated, etc.

places in which liquor is sold, etc., not to be used.

notice to be given, etc.

SECTION 122. The boards of aldermen in cities and the selectmen in towns shall cause each polling place in their respective cities and towns to be provided with a sufficient number of suitable marking shelves or compartments, at or in which voters may conveniently mark their ballots, so that in the marking thereof they may be screened from the observation of others; and they shall cause a guard rail to be so constructed and placed in the polling place that only such persons as are inside the guard rail can approach within six feet of the ballot boxes and of the marking shelves or compartments. The arrangement shall be such that neither the ballot boxes nor the marking shelves or compartments shall be hidden from the view of those just outside the guard rail. The number of such marking shelves or compartments shall not be less than one for every seventy-five registered voters at such polling place, and not less than five in any voting precinct of a city, and not less than three in any town or voting precinct of a town. Each marking shelf or compartment shall be kept provided with proper supplies and conveniences for marking the ballots.

marking shelves and guard rail.
1889, 413, §21.

supplies, etc., for marking ballots.

4. ELECTION APPARATUS AND BLANKS.

State ballot
boxes.
1890, 423, \$84.

SECTION 123. The secretary of the Commonwealth shall, at the expense of the Commonwealth, provide every city and town with a state ballot box for use at every voting precinct or polling place therein. The ballot boxes so provided shall be such as shall be approved by the secretary, treasurer and auditor of the Commonwealth, or by a majority of them, and shall have sufficient and secure locks and keys or seal fastenings, and shall contain mechanical devices for receiving, registering and cancelling every ballot deposited therein; but no such box shall record any number or mark upon a ballot, by which one ballot may be distinguished from another. All such ballot boxes shall be purchased by the secretary at a price not exceeding fifty dollars each. The secretary shall likewise provide every city and town with suitable blank forms and apparatus, such as shall be approved as aforesaid, for use at each polling place by the election officers in the canvass and count of votes.

Blanks and
apparatus for
canvass of
votes.
1891, 328, \$1.

Blanks and
envelopes for
returns of
votes, etc.
P. S. 22, §28;
1890, 423, \$112;
1891, 329, \$3.

SECTION 124. The secretary of the Commonwealth shall provide every city and town with suitable blank forms and envelopes for all certificates, copies of records and returns required by this act to be made to his office, with such printed directions thereon as he may deem necessary for the guidance and direction of the election officers; and he shall furnish such other blank forms and such suggestions and instructions as will assist the election officers in the performance of their duties under the requirements of this act. The clerks of the courts in the several counties shall in like manner provide cities and towns with suitable blank forms and envelopes for all certificates, copies of records and returns required by this act to be made to the county commissioners and boards of examiners.

Ballot boxes and
apparatus, care,
repair, etc.
1890, 423, \$87;
1891, 329, \$1;
1893, 307.

SECTION 125. The city or town clerk of each city and town shall provide therein a place for the safe and suitable keeping of the ballot boxes and counting apparatus furnished by the Commonwealth, shall have the care and custody thereof, shall see that they are kept in good order and repair, and, if any of them are lost, destroyed or irreparably damaged, shall replace the same by suitable ballot boxes or apparatus, approved as required by section

one hundred and twenty-three of this act. The custody, care and repair of all such ballot boxes and apparatus shall be at the expense of the city or town, but shall be subject to the supervision and control of the secretary of the Commonwealth, who may, at the expense of the Commonwealth, subject to approval as aforesaid, cause necessary improvements to be made in any of such ballot boxes or apparatus.

SECTION 126. The board of aldermen of a city and the selectmen of a town may make such regulations, not inconsistent with the provisions of this act, in regard to the use of ballot boxes and seals, counting and other apparatus, as they may deem expedient.

Ballot boxes and apparatus, regulations as to use.
1890, 423, §94.

SECTION 127. The clerk of every city and of every town divided into voting precincts, shall furnish to the clerk of each voting precinct a seal of suitable device, the design of which shall include the designation of such precinct; and such seal shall be used in sealing all envelopes required by law to be used at the elections. The clerk of the precinct shall retain the custody of the seal, and shall, at the end of his term of office, deliver the same, together with the records of the precinct and other official documents in his custody, to the city or town clerk.

Precinct seal, use, custody, etc.
1892, 405.

SECTION 128. The clerk of every city and town shall send to the election officers at each polling place in the city or town, on the day of an election or meeting at which the same are required to be used, before the opening of the polls, the ballot box, blank forms and counting and other apparatus provided by the secretary of the Commonwealth; and shall send therewith such ballot boxes, ballot box seals, blank forms and apparatus as may be required by the board of aldermen of the city or by the selectmen of the town, as the case may be.

Ballot box, apparatus, etc., at polls.
1891, 328, §3;
1892, 405.

5. PREPARATION AND FORM OF BALLOTS.

SECTION 129. All ballots for use in elections of state officers shall be prepared and furnished by the secretary of the Commonwealth; all ballots for use in elections of city officers in a city shall be prepared and furnished by the city clerk of such city; and all ballots for use in elections of town officers, in a town which has voted that ballots shall be provided at the expense of the town, shall be prepared and furnished by the town clerk.

Ballots, preparation and furnishing.
1889, 413, §§1, 10;
1890, 386, §7.

Ballots, general.
1889, 413, §10;
1890, 386, §§5, 7;
436, §2; 1891,
269, 270.

SECTION 130. General ballots, intended for the use of all male voters in a voting precinct or town, shall contain the names of all candidates for election in such voting precinct or town, who have been duly nominated and have not deceased, or whose nominations have not been withdrawn or rejected as invalid; and such general ballots shall, except in the case of candidates for presidential electors, contain no other names.

candidate,
name, residence,
etc.

To the name of each candidate for a state office shall be added the name of the city or town in which the candidate resides. To the name of each candidate for a city office shall be added the name of the street on which the candidate resides, together with his street number, if there is any; and to the name of each candidate for the office of alderman at large in a city shall also be added the number of the ward in which the candidate resides.

political des-
ignation, etc.

To the name of each candidate for a state or city office shall be added his party or political designation, expressed in accordance with sections seventy-nine and eighty-six of this act. To the name of each candidate for a town office upon an official ballot shall be added such designation of the party or principle which the candidate represents, as is duly contained in the certificate of nomination or nomination papers. No greater number of candidates for any office bearing the same party or political designation shall be placed upon the official ballot than there are persons to be elected to such office.

candidates
with same des-
ignation.

designation of
certain candi-
dates nominated
by signatures.

If the name of a political party, which at the preceding annual state election polled for governor three per centum of the entire vote cast in the state for that office, is used in connection with some other name or term, in accordance with the provisions of section seventy-nine of this act, as the designation of a candidate nominated for a state or city office by a nomination paper, the words "nomination paper", or "nom. paper", shall be added to the political designation of such candidate.

arrangement
of names, etc.

The names of candidates for every state, city and town office shall, except in the case of candidates for presidential electors, be arranged under the designation of the office, in alphabetical order according to the surnames. There shall be left at the end of the list of candidates for each different office, as many blank spaces as there are persons to be elected to such office, in which the voter may insert the name of any person not

printed on the ballot, for whom he desires to vote for such office. Whenever the approval of a constitutional amendment is submitted to the vote of the people, or any other question is submitted to vote in a city or town in accordance with a statute providing therefor, such question shall be printed on the ballot after the list of candidates.

Special ballots containing only the names of candidates for school committee shall also be prepared in like manner and printed for the use of women qualified by law to vote for school committee. Ballots, special.

Ballots shall be so printed as to give to each voter a clear opportunity to designate by a cross [X], in a square at the right of the name and designation, if any, of each candidate, and at the right of each question, his choice of candidates and his answer to such question; and upon the ballots may be printed such words as will aid the voter to do this; as "vote for one", "vote for two", "vote for three", "yes", "no", and the like. On the back and outside, when folded, of each ballot, shall be printed the words, "Official Ballot for", followed by the designation of the voting precinct or town for which the ballot is prepared, the date of election, and a facsimile of the signature of the secretary of the Commonwealth, or city clerk or town clerk, as the case may be, who has caused the ballot to be prepared. Special ballots printed for the use of women qualified to vote for school committee shall have the additional endorsement, "For school committee only." squares and
directions for
marking.

official en-
dorsement.

SECTION 131. The names of candidates for the offices of electors of president and vice president of the United States shall be arranged in groups, as presented in the several certificates of nomination or nomination papers; and the several groups shall be arranged in the alphabetical order of the surnames of the candidates for president, and the names of the candidates in each group shall be printed upon the ballots in two adjacent columns of equal width. If candidates are nominated at large and for the several congressional districts, the name and place of residence of one of the candidates at large shall be put at the head of each column, and the names of the other candidates with their places of residence, including the numbers of the congressional districts in which they reside, shall follow in the numerical order of the districts. presidential
electors, ar-
rangement of
names of candi-
dates, etc.
1889, 413, §10;
1892, 279, §1.

The surnames of the candidates of each political party for the offices of president and vice president, with the party or political designation thereof, at the right of the surnames shall be placed in one line above the group of candidates for electors of such party. There shall be left at the right of each such party or political designation a sufficient clear square in which each voter may designate by a cross [X] his choice for electors; and no other clear space or margin shall be left in any such group of candidates. There shall be left at the end of the groups of candidates as many blank spaces as there are persons to be elected to the offices of electors.

Ballots, paper, size, form, type, etc.
1889, 413, §10;
1890, 386, §7;
423, §81; 1892, 279, §1.

SECTION 132. The official ballots furnished in accordance with the provisions of this act shall, except as otherwise specially provided herein, be of plain white paper and in weight not less than that of ordinary printing paper, shall be in two or more pages, and shall, before distribution, be so folded as to measure when folded not less than four and one half inches nor more than five inches in width, and not less than six inches nor more than thirteen and one half inches in length. The names of all candidates shall be printed in black ink in lines at a right angle with the length of the ballot. The names of all candidates, other than candidates for presidential electors and for president and vice president, shall be in capital letters not less than one eighth of an inch nor more than one quarter of an inch in height. The initial letters of all names of candidates for presidential electors shall be in capital letters not less than one eighth nor more than one quarter of an inch in height; and the surnames and political designations of the candidates of each party for president and vice president shall be in capital letters not less than three sixteenths of an inch in height.

special, paper.

The special ballots for the use of women qualified to vote for school committee shall be printed on tinted paper, but of a different tint from that of specimen ballots.

state and city elections, number.
1889, 413, §12;
1890, 436, §7.

SECTION 133. There shall be provided for each polling place at which an election for state or city officers is to be held, two sets of general ballots, each of not less than sixty ballots for every fifty and fraction of fifty registered male voters therein, and likewise for a city election two sets of special ballots, each of not less than sixty ballots for every fifty and fraction of fifty women registered to vote for school committee therein.

When ballots are required by law to be provided by the town clerk of a town for the election of town officers therein, there shall be provided one set of general ballots of not less than seventy-five ballots for every fifty and fraction of fifty registered male voters therein; and likewise one set of special ballots of not less than seventy-five ballots for every fifty and fraction of fifty women registered to vote for school committee therein.

Ballots, town elections, number.
1890, 386, §9.

SECTION 134. All ballots, when printed and folded as provided in section one hundred and thirty-two, shall be arranged and fastened together in convenient numbers in packages, books or blocks, in such manner that each ballot may be detached and removed separately. A record of the number of ballots printed and furnished to each polling place shall be kept and preserved by the secretary of the Commonwealth, or the city clerk or town clerk, as the case may be, for the period of one year.

packages, books, etc.
1889, 413, §11;
1890, 386, §8.

record of number furnished.

SECTION 135. The secretary of the Commonwealth shall furnish sufficient partial ballots in state elections to a city or town for the use of voters who by law may be entitled to vote for a part only of the officers to be voted for in such city or town. There shall be printed on the back of such ballots, in addition to the official endorsement, such words as shall clearly indicate the class of voters for whose use the ballots are furnished, and such ballots only shall be furnished to such voters.

partial, for use in certain cases.
1890, 436, §11.

SECTION 136. In case a vacancy shall occur or be declared in the list of nominations by reason of the death, withdrawal or ineligibility of a candidate, under the provisions of title three of this act, the name of the candidate nominated in accordance therewith to fill such vacancy, shall, if the ballots are not already printed, be placed on the ballots, instead of the original nomination; or, if the ballots have been printed, new ballots containing the new nomination shall, whenever practicable, be furnished and substituted in place of those already prepared.

in case of death, withdrawal, etc., of candidate.
1891, 278.

6. INFORMATION TO VOTERS.

SECTION 137. The secretary of the Commonwealth in state elections, the several city clerks in city elections, and the several town clerks in town elections for which ballots are by law provided at the expense of the town, shall prepare and furnish for use in every such election,

Cards of instruction.
1889, 413, §13;
1890, 386, §10.

full instructions for the guidance of voters at such elections, as to obtaining ballots, as to the manner of marking them and the method of gaining assistance, and as to obtaining new ballots in place of those accidentally spoiled; and they shall cause the same, together with such abstracts as they shall deem proper to make of the provisions of law imposing penalties upon voters, to be printed in large, clear type, on separate cards, to be called cards of instruction. They shall in like manner prepare and furnish for each polling place ten or more copies of the ballots provided for distribution at the election therein. Such copies shall be called specimen ballots, and shall be printed without the facsimile endorsements and on tinted paper.

Specimen
ballots.

Constitutional
amendment.
1892, 124, §2.

The secretary of the Commonwealth likewise shall cause to be prepared and shall furnish copies of every proposed amendment to the constitution submitted to the vote of the people, printed in full with a heading in large type containing the words, Proposed Amendment to the Constitution.

Lists of candi-
dates, etc.,
state election, to
registrars.
1889, 413, §14;
1892, 124, §2.

SECTION 138. The secretary of the Commonwealth shall, five days at least previous to the day of any state election, transmit to the registrars of voters in each city and town in which such election is to be held, printed lists containing the names, residences and party or political designations of all candidates duly nominated and to be voted for at each polling place in every such city and town, substantially in the form of the general ballot to be so used therein; and shall likewise transmit the printed copies of any proposed amendment to the constitution which may be submitted to vote at such election. The registrars of voters shall immediately cause the lists for each voting precinct or town, as the case may be, and any such copies of a proposed amendment to the constitution, to be conspicuously posted in one or more public places in every such voting precinct or town. The secretary of the Commonwealth shall likewise cause to be published, prior to the day of any such election, in at least two newspapers, if there be so many, published in each county, representing, so far as practicable, the two leading political parties, a list of all the candidates duly nominated and to be voted for in such county, together with any proposed amendment to the constitution submitted to vote as aforesaid, in the form, so far as may be, in which they are to appear upon the general ballots.

posting.

publication.

SECTION 139. The city clerk of each city shall, four days at least previous to the day of any city election therein, cause to be conspicuously posted in one or more public places in every voting precinct of such city, a printed list containing the names, residences, and party or political designations of all candidates nominated and to be voted for in such precinct, substantially in the form of the general ballot to be used therein; and he shall likewise cause to be published, prior to the day of such election, in at least two newspapers, if there be so many, published in such city, representing the two leading political parties, a list of all the candidates duly nominated and to be voted for in such city, in the form, so far as may be, in which they are to appear upon the general ballots.

Lists of candidates, city election, posting, publication.
1889, 413, §15.

SECTION 140. At every election of town officers in a town, for which ballots are by law provided at the expense of the town, the town clerk shall, four days at least previous to the day of such election therein, cause to be conspicuously posted in one or more public places in the town, substantially in the form of the general ballot to be used therein, the names and residences and designations, if any, of all candidates duly nominated and to be voted for at such election.

town election, posting.
1890, 386, §11.

7. DELIVERY OF BALLOTS, ETC.

SECTION 141. The secretary of the Commonwealth shall send the two sets of ballots with specimen ballots, cards of instruction, and copies of any proposed amendment to the constitution, required by law to be provided by him, separately and at different times or by different methods, to the several city and town clerks, so that both sets shall be received by the clerks twelve hours, at least, previous to the day of election. In the case of each set, the ballots for voters shall first be enclosed in one package and sealed and marked with the number of ballots of each kind enclosed, and the accompanying specimen ballots, cards of instruction and copies of constitutional amendments, if any, shall be enclosed in another package; and the whole set shall be further enclosed in a single package with marks on the outside indicating its contents and clearly designating the polling place for which it is intended. The respective city and town clerks shall, on delivery to them of such packages, return receipts there-

Ballots, etc., state election, delivery.
1889, 413, §16;
1892, 316.

packing.

receipts.

Ballots, etc.,
record.

for to the secretary. The secretary shall keep a record of the time when, and manner in which, the several packages are sent, and shall preserve for the period of one year the receipts of the city and town clerks.

city election,
packing.
1889, 413, §17;
1892, 316.

SECTION 142. The city clerk of each city shall cause the two sets of ballots and cards of instruction and specimen ballots provided by him for a city election, to be separately packed. In the case of each set, the ballots for voters shall first be enclosed in one package and sealed and marked with the number of ballots of each kind enclosed, and the accompanying specimen ballots and cards of instruction shall be enclosed in another package; and the whole set shall be further enclosed in a single package with marks on the outside indicating its contents and clearly designating the polling place for which it is intended.

town election,
packing.
1890, 386, §12.

SECTION 143. The town clerk of every town in which ballots for town officers have been by law provided at the expense of the town, shall cause the ballots, with specimen ballots and cards of instruction to be packed in separate packages with marks on the outside indicating their respective contents; and the packages of ballots for voters shall also be sealed and marked with the number of ballots of each kind enclosed.

delivery at
polls, state and
city election.
1889, 413, §18;
1890, 386, §14;
436, §8.

SECTION 144. The city or town clerk of each city and town shall, on the day of every state and city election, before the opening of the polls, send to the election officers of each polling place therein, one set of ballots with accompanying specimen ballots, cards of instruction and copies of proposed amendments to the constitution, if any, which have been furnished and marked for such polling place; and a receipt for the delivery thereof shall be returned to the clerk from the presiding or senior election officer present at the polling place, which receipt, with a record of the number of ballots sent, shall be kept in the clerk's office for the period of one year. The second set of ballots shall be retained by the city or town clerk until they are called for, for the purposes of voting; and, upon the requisition in writing of the presiding election officer of any polling place, the second set of ballots shall be furnished to such polling place in the manner above provided as to the first set. When ballots are provided for the election of town officers in a town at the expense of the town, the town clerk shall deliver all such

receipt, rec-
ord.

second set.

town election.

ballots, and the specimen ballots and cards of instruction at the polling place on the day of the election before the opening of the polls.

SECTION 145. In case the ballots to be furnished to any polling place in a city or town, in accordance with the provisions of this act, shall for any reason fail to be duly delivered, or in case after delivery they shall be destroyed or stolen, it shall be the duty of the clerk of such city or town to cause other ballots to be prepared substantially in the form of the ballots so to be furnished and wanting; and upon receipt of such other ballots from the clerk, accompanied by a statement by him under oath that the same have been so prepared and furnished by him, and that the original ballots have so failed to be received or have been so destroyed or stolen, the election officers of such polling place shall cause the ballots so substituted to be used instead of the ballots wanting as above.

Ballots, substitute, preparation. 1889, 413, §19.

delivery and use.

TITLE V.

1. CALLING OF ELECTIONS.

SECTION 146. The annual state election for the choice of governor, lieutenant governor, councillors, secretary, treasurer and receiver general, auditor, attorney-general, and senators and representatives in the general court shall be held on the Tuesday next after the first Monday in November, as prescribed in the constitution. There shall likewise be chosen at the annual state election, in the years in which such officers are by law respectively to be chosen, electors of president and vice president of the United States, and, in their respective districts or counties, representatives in Congress, district attorneys, clerks of the courts, registers of probate and insolvency, registers of deeds, commissioners of insolvency, county commissioners, special commissioners, sheriffs, and county treasurers.

Annual state election, date, officers to be chosen. 1890, 423, §§147, 165, 170, 171, 188.

SECTION 147. Meetings of the qualified voters of each city for the election of state officers and of city officers, shall, subject to the provisions of this act, be called by order of the board of aldermen; and the city clerk of every city, except the city of Boston, shall, under the direction of such board, cause notice of every such meeting to be printed in one or more newspapers published in

Calls for elections in cities. 1890, 423, §§67, 68.

such city, and also to be conspicuously posted in the office of the city clerk; and the city clerk of the city of Boston shall, under the direction of the board of aldermen, cause notice of every such meeting to be printed in at least four daily newspapers published in said city. Notices of meetings, given as aforesaid, shall be in lieu of the notices or warrants for election which may be required in any city by special statutes relating thereto, and warrants or other notices of such meetings shall not be required. Meetings of the qualified voters of each town for the election of state officers and of town officers shall, except as otherwise provided in this act, be called as ordered by the town, subject to the provisions in title ten of this act for the calling and holding of town meetings in towns. Meetings for the annual state, city and town elections, shall, however, in all cases be called, as above provided, at least seven days before the day prescribed for the holding thereof.

Calls for elections, in towns.

in all cases.

to specify, officers, questions, etc.
1890, 386, §3;
423, §§67, 68, 148,
165, 171; 1891,
314; 1892, 124, §1.

time of opening and closing polls.

In cities, time of opening and closing meetings, etc.

In towns, time of opening and closing meetings, etc.

SECTION 148. All notices or warrants for meetings for the election of state and city officers, and for the election of town officers for which ballots are provided at the expense of the town, shall specify what officers are to be elected or voted for at such meetings, and whenever a proposed amendment to the constitution or other question is to be submitted to the people, shall contain a copy of the proposed amendment printed in full and of any other question so to be submitted. They shall specify the time when the polls for the choice of the several officers will be opened, and they shall further specify in cities, when the polls will be closed, and in towns when they may be closed.

In cities, meetings for the election of state and city officers may be opened as early as six o'clock in the forenoon, and shall be opened as early as ten o'clock in the forenoon. The polls shall be kept open six hours at least, but in no case shall be kept open after the hour of sunset, except as provided in section one hundred and fifty-four of this act.

In towns, meetings for the election of state officers may be opened as early as six o'clock in the forenoon, and shall be opened as early as twelve o'clock, noon. The polls shall be kept open four hours at least, and until the time specified in the warrant when they may be closed; and they may be opened for such longer time as the ma-

majority of the voters present shall by vote direct, but they shall not, except as provided in said section one hundred and fifty-four, be kept open after the hour of sunset; and after an announcement has been made by the presiding officer of a time so fixed by vote for closing, such time shall not be changed to an earlier hour. In meetings for the election of town officers as aforesaid, the polls shall be kept open four hours at least.

2. CONDUCT OF ELECTIONS.

SECTION 149. The presiding election officer at each polling place in a city or town shall, on the day of any election of state or city officers, before the opening of the polls, open the package containing the cards of instruction, specimen ballots and copies of any proposed amendments to the constitution, which have been received for such polling place, and shall cause not less than three such cards and three such copies, if any, and not less than five specimen ballots to be posted in and about the polling place outside the guard rail, and shall also cause the cards of instruction and a copy of any proposed amendment to be posted at or in each marking shelf or compartment inside the guard rail. The presiding election officer at each polling place shall at the opening of the polls at any such election publicly break the seals of the packages containing the ballots for distribution at such polling place, open the packages, and deliver the ballots to the ballot clerks.

State and city elections, posting of instructions, etc.
1889, 413, §18;
1892, 124, §2;
316.

delivery of ballots to ballot clerks.

In elections of town officers in towns, for which ballots have by law been provided at the expense of the town, the town clerk shall, on the day of election, before the opening of the polls, cause not less than three cards of instruction and not less than five specimen ballots to be posted in or about the polling place outside the guard rail, and shall cause cards of instruction to be posted at or in each marking shelf or compartment inside the guard rail. The town clerk shall likewise on the day of election, before the opening of the polls, deliver the ballots to the ballot clerks, who shall receipt therefor, and their receipt shall be preserved in the office of the clerk for the period of one year. No such ballots shall, however, be delivered to voters until a moderator has been chosen in the manner provided by law.

Town elections, posting of instructions, etc.
1890, 386, §14.

delivery of ballots to ballot clerks, receipt, etc.

State ballot boxes, to be used, etc. 1890, 423, §§84, 85, 95; 1893, 146, §1.

at opening of polls to be shown to be empty.

record, custody of key.

to be in public view.

opening, removal of ballots, etc.

in charge of presiding officer, return, etc.

SECTION 150. The state ballot boxes, furnished in accordance with the provisions of this act, shall be used for receiving the ballots in all state elections in cities and towns, in all city elections, in all elections of town officers in towns for which ballots are provided at the expense of the town, and also in taking the vote upon any proposed amendment to the constitution, upon the question of granting licenses for the sale of intoxicating liquors, and upon any other question submitted by statute to the voters of the Commonwealth or of any city or town, for which ballots are by law provided at the expense of the Commonwealth, or of any city or town. The election officers at each polling place shall, at the opening of the polls and before any ballots are received, publicly open the ballot box, and ascertain by personal examination, and publicly show that the same is empty, and shall immediately thereafter lock or fasten the box. The clerk of the precinct or town shall make a record of the condition of the box register, and, if a key is used, it shall be taken and retained by the police officer or constable in attendance at the polling place. The ballot box shall not, after it is shown to be empty, be removed from public view until all ballots have been removed therefrom and the box has been relocked or sealed. No ballot shall be removed from the ballot box while the polls are open, and the box shall not be opened until the polls are closed, except that, in order to make room for the deposit of all the ballots cast, the presiding officer may, in the presence of all the election officers, open the box and pack and press down the ballots therein, and except further that, both in towns and precincts of towns, the ballot box may be opened and ballots taken therefrom for counting, whenever it is deemed necessary or advisable so to do in the unanimous judgment of the selectmen and town clerk, or in the judgment of both the moderator and town clerk of the town, as the case may be, or in the unanimous judgment of the election officers of the voting precinct of the town.

The presiding officer of each polling place of a city and town shall have charge of the ballot box and ballot box seal, and shall, at the close of each election, return the same, either personally or by the hand of the police officer or constable in attendance at the polling place, to the city or town clerk.

If for any cause it shall become impossible at any such election, or in taking any such vote, to use the state ballot box, the voting shall proceed in such manner as the presiding officer of such polling place shall direct, and in such case the clerk thereof shall make a record of the facts pertaining to the failure to use such ballot box, and shall enclose an attested copy of such record in the envelope with the ballots cast at such election or in taking such vote. The foregoing provisions as to the use and custody of the state ballot box shall, so far as applicable, apply to the ballot box substituted therefor.

State ballot boxes, proceedings when impossible to use.

SECTION 151. One of the voting lists of the voting precinct or town, as the case may be, transmitted by the registrars of voters, shall be delivered to the ballot clerks, and the other voting list shall be delivered to the election officers in charge of the ballot box, and such lists shall be used by them respectively in checking the names of voters both when receiving their ballots and when depositing their ballots. The officers in charge of the ballot box and of the voting list used thereat shall be of different political parties.

provisions to apply to substitute.

Voting lists, delivery and use.
1889, 413, §520, 22; 1890, 358, §14; 423, §90.

SECTION 152. No election officer shall, before the public declaration of the vote at an election, make any statement of the number of ballots cast, the number of votes given for any person, the name of any person who has voted, the name of any person which has not been voted on, or of any other fact tending to show the state of the polls.

Political representation at box and list.

Statements not to be made prior to declaration of vote.
1890, 423, §123.

SECTION 153. No persons, other than the election officers, supervisors, and voters admitted in accordance with the provisions of this act, shall, during the progress of an election and until public declaration of the vote has been made, be permitted inside the guard rail, except by authority of the election officers for the purpose of keeping order and enforcing the law.

Persons permitted inside of guard rail.
1889, 413, §21.

SECTION 154. No more than four voters, besides election officers and supervisors, in excess of the number of marking shelves or compartments provided, shall be allowed at one time within the space enclosed by the guard rail, and except the election officers and supervisors, no voters shall be admitted therein after the time fixed for closing the polls, but voters previously admitted shall be allowed a period not exceeding five minutes succeeding the time so fixed, within which to deposit their ballots.

Voters allowed within guard rail.
1889, 413, §22.

Time for deposit of ballots at close of polls.

Regulations for
receiving
ballots.
1890, 423, §94.

SECTION 155. The board of aldermen of a city and the selectmen of a town may make such regulations, not inconsistent with the provisions of this act, in regard to the receiving of ballots, as they may deem expedient.

Presiding
officers, general
powers and
duties.
1889, 413, §23;
1890, 423, §125.

SECTION 156. The presiding officer at each polling place in a city or town, for the time being, shall secure the observance of all the provisions of this title relative to the duties of election officers. He shall possess full authority to maintain regularity and order and to enforce obedience to his lawful commands, during an election, and during the canvass and counting of the votes after the closing of the polls, and shall have full authority to preserve peace and good order at and around the polling place and to keep the access thereto open and unobstructed, and he may require any police officer, constable or other person present to communicate his orders and directions, and to assist in the enforcement of such authority.

Police officers,
etc., to preserve
order, etc.
1890, 423, §126.

SECTION 157. The board or officer in charge of the police force of each city and town shall detail a sufficient number of police officers or constables who shall be stationed at each polling place in the city or town at every election therein, to preserve order and to protect the election officers and supervisors from any interference with or obstruction in the performance of their respective duties, and to aid in enforcing the provisions of this act.

Person smoking
or having liquor,
etc., to be
removed.
1890, 423, §139.

SECTION 158. Any person who, during an election or town meeting, shall, in a polling place or place of such meeting, smoke or have in his possession a lighted pipe, cigar or cigarette, or carry into any such place or keep therein any intoxicating liquor, shall be deemed guilty of disorderly conduct; and the presiding officer at such election or meeting shall order a person so offending to remove any such pipe, cigar, cigarette, or liquor, or to withdraw from such place, and shall cause any person who refuses or fails to obey such order to be removed from such polling place or place of meeting.

Offender to be
detained, etc.,
but not pro-
hibited from
voting.
1890, 423, §127.

SECTION 159. If a person shall at an election refuse to obey the lawful commands of the presiding officer at a polling place, or, by disorderly conduct in the presence or hearing of an election officer, shall interrupt or disturb his proceedings, the presiding officer may make an order directing any constable or police officer, or other person, to take the person so offending into custody and detain him until the final canvass and counting of the votes shall be com-

pleted, unless the presiding officer shall order his previous release; but such order of detention shall be so enforced as not to prohibit the person so taken into custody, if a voter at such polling place, from voting at such election.

SECTION 160. The presiding officer at a polling place, or such other election officer as may be cognizant thereof, shall forthwith report to the police officer or constable in attendance at the polling place, any violation of the provisions of this title, and such police officer or constable shall see that the offender is duly brought before the proper court.

Duties of officers when law is violated. 1889, 413, §27.

3. MANNER OF VOTING.

SECTION 161. A person, when desiring to vote at an election for which ballots are provided at the expense of the Commonwealth or of a city or town under the provisions of this act, shall, at the polling place for which he is registered as a voter, give his name, and if requested so to do, his residence to one of the ballot clerks, who shall thereupon announce the same in a loud and distinct tone of voice, clear and audible; and if such name is found upon the voting list by the ballot clerk having charge thereof, the ballot clerk shall likewise repeat the name, and the voter shall then be allowed to enter the space enclosed by the guard rail. The ballot clerk shall give him one, and only one, ballot, and the name of the voter shall be immediately checked on the voting list. If the voter is a woman, she shall receive a special ballot containing the names of candidates for school committee only.

Voting, giving of name, delivery of ballot, etc. 1889, 413, §22.

SECTION 162. The voter on receiving his ballot, shall forthwith and without leaving the enclosed space, retire alone to one of the marking shelves or compartments, and shall, except in the case of voting for electors of president and vice president, prepare his ballot by marking in the square a cross [X] at the right of the name and designation, if any, of the candidate of his choice for each office to be filled, or by inserting the name of the candidate of his choice in the blank space provided therefor, and marking a cross [X] in the square at the right of the same; and, in case of a question submitted to the vote of the people, by marking a cross [X] in the square at the right of the answer which he desires to give.

marking of ballot. 1889, 413, §23.

Voting, for presidential electors.
1892, 279, §2.

SECTION 163. A voter, who desires to vote for an entire group of candidates for electors of president and vice president of the United States, shall mark a cross [X] in the square at the right of the party or political designation immediately above such group, and such cross [X] shall count as a vote for each candidate in such group. If a voter desires not to vote for one or more candidates in the group for which he marks, he may erase the name of such candidate or candidates, and the cross [X] in the square above-mentioned shall count as a vote for each of the other candidates in such group. When a voter desires to vote for another person, in place of a candidate whose name he has erased, he may insert in one of the blank spaces at the end of the groups of candidates for electors, the name of the person of his choice, and mark a cross [X] in the square at the right of such name. A voter who does not mark for any group of candidates, may vote for one or more candidates for electors, up to the whole number to be elected, by inserting a name or names in one or more of the blank spaces at the end of the groups of electors, and marking a cross [X] in the square at the right of each name so inserted.

assistance in marking.
1891, 238.

SECTION 164. A voter who declares to the presiding officer, that he was a voter before the first day of May in the year eighteen hundred and fifty-seven, and cannot read, or who declares that by blindness or other physical disability he is unable to mark his ballot, shall, upon request, be assisted in the marking thereof by one or two of the election officers, which officer or officers shall, if requested by him, be of such political party, represented among the election officers, as the voter may designate; and the officer or officers so assisting shall certify on the outside of the ballot, that it was so marked with his or their assistance, and shall thereafter give no information regarding the same. The presiding officer shall require such declaration of disability to be made before him by the voter under oath, and he is hereby qualified to administer such oath.

officers' certificate.

declaration of disability under oath.

certain marks prohibited.
1889, 413, §27;
1892, 368.

SECTION 165. No voter shall place any distinguishing mark upon his ballot, and no person shall place any mark against any name upon a ballot not cast by himself, and no election officer or other person shall place upon such a ballot any distinguishing mark whatsoever, except as authorized by the provisions of this act.

SECTION 166. If a voter spoils a ballot, he may successively obtain two others, one at a time, upon returning each spoiled one, and all ballots so returned, shall be immediately cancelled by the election officers.

Voting, spoiled ballot, obtaining others, cancellation. 1889, 413, §24.

SECTION 167. Before leaving the marking shelf or compartment, the voter shall fold his ballot, without displaying the marks thereon, in the same way in which it was folded when received by him, and he shall keep the same so folded until he has voted. No voter shall be allowed to occupy a marking shelf or compartment already occupied by another, nor to remain in such enclosed space more than ten minutes, nor to occupy a voting shelf or compartment for more than five minutes, in case all of the marking shelves or compartments are in use and other voters are waiting to occupy the same.

ballot to be folded, etc. 1889, 413, §23.

time allowed in enclosed space, etc.

SECTION 168. A voter after marking his ballot shall at once proceed to deposit the same in the ballot box, shall let no one see his ballot so as to know how he is about to vote, and, upon so offering to vote, he shall give his name and if requested so to do, his residence, to the presiding officer, who shall thereupon announce the name in a loud and distinct tone of voice, clear and audible; and if such name is found upon the voting list by the election officer having charge thereof, he shall, in a loud and distinct tone of voice, clear and audible, repeat the name and check it upon the voting list; and the voter may then deposit his ballot in the ballot box, which he shall do with the official endorsement uppermost and in sight. No ballot without the official endorsement, except as otherwise provided in section one hundred and forty-five of this act, shall be allowed to be deposited in the ballot box. No person shall so vote whose name is not on the voting list, nor until the election officer as above shall find and check his name thereon, unless such person presents a certificate from the registrars of voters as provided by section sixty-six of this act, which certificate shall be checked as therein required.

depositing ballot, giving name, etc. 1889, 413, §§23, 26, 27; 1890, 423, §§90, 91.

none but official ballots allowed, etc.

voter's name to be checked on list or certificate.

SECTION 169. A voter who has entered the space enclosed by the guard rail, shall mark and deposit his ballot without undue delay, and shall leave such enclosed space as soon as he has voted. A voter who has been given a ballot for the purpose of voting, shall deposit it in the ballot box, or shall return it to a ballot clerk; and no person shall take or remove any ballot from the polling

to be without delay; ballots not to be removed, etc. 1889, 413, §§23, 24.

Voting, voter
not to reenter
enclosed space.

place or outside the guard rail, before the close of the polls. No voter, other than an election officer and supervisor, who has once entered such enclosed space, and whose name has been checked on the voting list in charge of the ballot clerk, shall be allowed to reenter such enclosed space during the election.

proceedings
when vote is
challenged.
1890, 423, §92;
1892, 332, §1.

SECTION 170. If in any state or city election, or town election in which ballots are provided at the expense of the town, the right of a person offering to vote is challenged for any cause recognized by law, the presiding officer shall require the name and residence of the person so offering to vote, to be written by himself or by some one in his behalf, on the outside of the ballot so offered, and the presiding officer shall add thereto the name of the person so challenging and the assigned cause for which the challenge is made, before such ballot shall be received; but nothing in this section shall be construed as permitting election officers to receive any ballot which by law they are required to refuse. No election officer, otherwise than as above required or permitted, and no person other than an election officer shall make any statement or give any information in regard to a ballot cast by a voter so challenged at any such election, except as required by law.

certain ballots
not to be re-
ceived.

statements not
be made regard-
ing challenged
votes.

4. COUNTING OF VOTES.

State blanks
and apparatus,
to be used, etc.
1891, 328, §§1, 2.

SECTION 171. The blank forms and apparatus provided by the secretary of the Commonwealth, in accordance with the provisions of this act, shall be used in ascertaining the result of the election or vote in all state elections in cities and towns, in all city elections, in all elections of town officers in towns for which ballots are provided at the expense of the town, and also in taking the vote upon any proposed amendment to the constitution, upon the question of granting licenses for the sale of intoxicating liquors, and upon any other question submitted by statute to the voters of the Commonwealth, or of any city or town, for which ballots are by law provided at the expense of the Commonwealth or of any city or town. If however, for any cause, it shall become impossible at any such election, or in taking any such vote, to use such blank forms or apparatus, or any of them, the canvass and counting of the votes shall proceed in such manner as the presiding officer of the polling place shall

proceedings
when impossible
to use.

direct; and in such case, the clerk thereof shall make a record of the facts pertaining to the failure to use such blank forms or apparatus, and shall enclose an attested copy of such record in the envelope with the ballots cast at such election or in taking such vote.

SECTION 172. At every election and in the taking of every vote at which the state ballot box and blank forms and apparatus are used, as required by section one hundred and fifty of this act and the preceding section, the clerk of the voting precinct or town, as the case may be, shall, as soon as the polls are closed, make a record of the ballot box register; the election officers in charge of each voting list, shall, publicly and in the presence of the other election officers, count in a distinct and audible voice, the number of names checked on each list and announce the whole number of names checked thereon; and the ballot box shall then be opened by the presiding officer and the ballots shall be taken therefrom. The ballots shall, under the direction of the presiding officer, be audibly counted, one by one, and when the counting is completed, the whole number of ballots cast shall be publicly announced by him. The ballots shall then be divided into blocks or packages, each of a convenient number for canvassing and counting, and, except as hereinafter in this section provided, each block or package shall be canvassed and counted by two election officers representing the two leading political parties, detailed for the purpose by the presiding officer; each election officer, in so canvassing and counting votes, shall be under the inspection of an election officer of a different political party; and the result of each such canvass and count shall be reported to the presiding officer, who shall cause each such result to be correctly recorded on the blank forms provided by law for the purpose. At state elections in towns not divided into voting precincts, the canvass and count of votes shall be made by the selectmen and town clerk, who may however, be assisted by tellers appointed in accordance with the provisions of section one hundred and sixteen of this act. The clerk of the voting precinct or town, as the case may be, shall, when the total result of the canvass and counting of votes has been ascertained, make public announcement thereof in open meeting, and shall, in open meeting, enter, in words at length in his records, the total number of names of male

Proceedings at
close of polls.
1890, 423, 895;
1892, 431; 1893,
146, 305.

canvass of
ballots.

in towns not
divided into
voting precincts.

announce-
ment, record,
etc.

and female voters checked on the voting lists, the total number of ballots cast, the names of all persons voted for, the number of votes received for each person and the title of the office for which he was proposed, the number of blank ballots for each office, and the number of affirmative and negative votes in answer to any question submitted to the voters. Each clerk of a voting precinct shall forthwith make a copy of the record so made by him, seal and certify the same, and deliver it to the city or town clerk, who shall forthwith enter the same in the city or town records.

Proceedings,
ballots, etc.,
to be in view,
etc.

The checked voting lists and all ballots, after being removed from the ballot box, shall be kept within the unobstructed view of the voters present at the polling place, until they have been enclosed and sealed in accordance with the provisions of this act, and all proceedings in the canvass and counting of votes shall be public and within the unobstructed view of the voters as aforesaid; and no adjournment or postponement shall be had until the canvass and counting are fully completed, and the voting lists and ballots have been enclosed and sealed as by law provided.

when ballots
are taken from
box before close
of polls.

When in towns and precincts of towns, the ballots are removed from the ballot box before the closing of the polls, in accordance with the provisions of section one hundred and fifty of this title, the canvass and counting of the votes shall thereupon be made, subject however to the foregoing provisions of this section.

Certain ballots
not to be
counted.
1889, 413, §26;
1890, 386, §16;
423, §84.

SECTION 173. No ballots shall be counted in ascertaining the result in any election or in the taking of any vote, in which the use of a state ballot box is required in accordance with the provisions of section one hundred and fifty of this title, unless they have been deposited in such ballot box and cancelled thereby, or have been otherwise deposited in accordance with the provisions of said section; and no ballots shall be counted in any election for which ballots are by law provided at the expense of the Commonwealth or of the city or town, unless they have been provided in accordance with the provisions of this act. If a voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the choice of the voter for any office to be filled, his ballot shall not be counted for such office. Ballots cast but not counted, for any pur-

Defective
ballots.

pose, shall be marked "defective," on the outside thereof, and shall be kept and preserved the same as ballots which are counted.

SECTION 174. The presiding officer at every polling place in a city or town, at elections of state and city officers and at elections of town officers in towns, for which ballots are provided at the expense of the town, shall cause all the ballots cast, after they have been duly canvassed and counted and record thereof has been made, publicly to be enclosed in an envelope and sealed with the seal by law provided for the purpose, and also with the private seal of any election officer who may desire to affix the same; and a majority of the election officers of the voting precinct or town shall endorse upon such envelope for what officers and in what polling place the ballots were cast, and the date of the election; and they shall make a certificate on the envelope that all the ballots cast for state, city or town officers, as the case may be, by the voters of such precinct or town, and none other, are contained in such envelope.

Ballots cast to be sealed up, endorsed, etc. 1899, 413, §§24, 26; 1890, 386, §§14, 16; 423, §§97, 98; 1893, 146.

The presiding officer at each polling place in every such election shall cause the voting lists used at such election to be enclosed in an envelope and sealed as aforesaid, and a majority of the election officers of the voting precinct or town shall certify thereon to the identity of the voting lists so enclosed. The presiding officer shall likewise cause all ballots which are not distributed to voters and all ballots which are returned by voters and cancelled, to be enclosed in an envelope and sealed as aforesaid, and shall make a certificate on the envelope as to the identity of such undistributed and cancelled ballots.

Voting lists, unused ballots, etc., to be sealed up, certified, etc.

The presiding officer shall forthwith personally deliver to the city or town clerk or transmit to him by the police officer or constable in attendance at the election, all the ballots cast, all undistributed and cancelled ballots, and the voting lists, sealed as aforesaid, together with the ballot box, ballot box seals, and counting apparatus.

Ballots, lists, etc., delivery to city or town clerk.

SECTION 175. The city clerk of a city may, after a voting list has been used in any voting precinct and transmitted to him in accordance with the preceding section, unseal and open the envelope containing such voting list and may make a copy of the list as checked, upon written application therefor, signed by not less than ten legal voters

Voting lists, copies may be furnished. 1890, 423, §98.

in the ward of which such precinct forms a part. In like manner the town clerk of a town may, after any such voting list has been used in such town or in any voting precinct thereof, unseal and open the envelope containing such list and may make a copy thereof upon written application therefor, signed by not less than ten legal voters of such town. Immediately after any such voting list has been so copied, the city or town clerk, as the case may be, shall again enclose the list in an envelope and seal the same, and shall certify on the envelope to the identity and original condition of such lists.

Voting lists,
to be again
sealed, certified,
etc.

Ballots cast,
custody,
destruction, etc.
1889, 413, §§24,
26; 1890, 386,
§§14, 16; 423,
§§100, 101.

SECTION 176. Every city and town clerk shall receive the envelope containing the ballots cast at an election and transmitted to him in accordance with the preceding sections, and shall retain the same in his custody subject to the requirements of law, and until such requirements have been complied with; and, as soon as may be thereafter, the clerk shall cause all such ballots to be destroyed, without examining them or permitting them to be examined by any person whatsoever, and shall make an entry in the city or town records that all such ballots have been so destroyed.

Voting lists,
unused ballots,
etc., custody,
disposition, etc.

Every city and town clerk shall retain in his custody the voting lists and undistributed and cancelled ballots, transmitted to him in accordance with the provisions of the preceding sections, during the same time as is above required by law for the preservation of ballots; and, as soon as may be thereafter, he shall transmit such voting lists to the registrars of voters of the city or town, and the registrars shall preserve them for future reference in such manner as they may deem best. The clerk shall cause the cancelled ballots to be destroyed in the same manner as the ballots cast, but may make such disposition of the undistributed ballots as he may deem proper.

5. RECORDS AND CERTIFICATES OF ELECTION.

Record not to be
rejected when
votes can be
ascertained.
1890, 423, §§102,
151.

SECTION 177. In determining the number of votes cast at an election, no record of votes cast or copy of any such record shall be rejected if the number of votes given for each candidate for an office can be ascertained.

Examination of
precinct returns,
correction, etc.
1890, 423, §102;
1892, 190, §1.

SECTION 178. The board of aldermen and the city clerk of every city, and the selectmen and town clerk of every town divided into voting precincts, shall forthwith after

every state and city election therein, examine the copies of the records made by the election officers of each precinct, and if any error appears therein, they shall forthwith give notice of such error to the election officers by whom the error has been made; and such election officers shall forthwith make under oath a new and additional record in conformity to the truth, and deliver a copy thereof to the city or town clerk; and any such additional copy of the records made by the election officers, whether with or without notice as aforesaid, shall be received by the city or town clerk at any time before the expiration of the day preceding the last day on which such clerk is by law allowed or required to transmit copies of records of the votes cast in the city or town, or within which the results of the election in any such city are by law required to be declared. All original and additional copies of the records made as above, shall be examined by the board of aldermen and city clerk of the city, or by the selectmen and town clerk of the town, as the case may be, and made part of the records of such election; and in cities the board of aldermen and city clerk, and in towns the selectmen and town clerk shall certify and attest copies of the records of votes for the several candidates, in accordance with the requirements of the provisions of this act.

Examination of precinct returns, records.

certification of copies.

SECTION 179. The city or town clerk of every city and town shall, within ten days from the day of any election therein for representative in congress, governor, lieutenant governor, councillor, secretary, treasurer and receiver general, auditor, attorney-general, commissioners of insolvency, clerk of courts, register of probate and insolvency, sheriff, district attorney, or senator, or for electors of president and vice president of the United States, transmit to the secretary of the Commonwealth copies of the records of the votes for such officers, which copies shall be certified by the board of aldermen or the selectmen, as the case may be, and shall be attested and sealed by the clerk. The city or town clerk of every city and town shall, in like manner, within ten days after an election therein for county treasurer or register of deeds, transmit to the county commissioners of the county for which such officers are to be chosen, copies of the records of the votes for such officers, certified, attested and sealed as aforesaid; and shall within ten days after an election therein for county commissioner

Returns of votes, to secretary, etc.
1890, 423, §§108, 166.

to clerk of the courts.

Returns of
votes, in county
of Suffolk.

or special commissioners, transmit to the clerk of the courts for the county the records of the votes for such officers, so certified, attested and sealed; except that the records of the votes cast in the county of Suffolk for register of deeds shall be transmitted to the board of aldermen of the city of Boston, and the records of the votes cast in the city of Chelsea and the towns of Revere and Winthrop in said county, for county commissioner and special commissioners shall be transmitted to the clerk of the courts for the county of Middlesex.

in envelopes
properly en-
dorsed.

The city and town clerks shall transmit all such copies of the records of votes in envelopes, upon the outside of which they shall specify the offices for which the votes were cast, and, in case officers are elected for divisions of the Commonwealth, the divisions in which the votes are cast.

proceedings
when received
unsealed.
1890, 423, §111.

SECTION 180. If a copy of the record of the votes cast at an election in a city or town and transmitted to the secretary of the Commonwealth, in accordance with the provisions of the preceding section, is received by him not sealed as required by law, he shall forthwith give notice of such fact to the city or town clerk who transmitted the same; and the clerk, upon receipt of such notice, shall make and attest another copy of the record of the votes cast at such election, which copy shall be certified by the board of aldermen or the selectmen, as the case may be, and the clerk shall transmit the same to the secretary, sealed as required in the case of the original copy. If the second copy is received by the secretary before the copies of the records of the votes are examined and determination is made of the persons appearing to be elected, and if upon examination such copy is found to be in substantial conformity with the original copy of the records, the original copy shall not be rejected for not being sealed as required by law.

on receipt,
memorandum
to be made.
1890, 423, §113.

SECTION 181. The secretary of the Commonwealth shall cause a memorandum of the date of the receipt by him of each copy of the records of the votes, transmitted as required by the provisions of the preceding sections, to be made on the envelope containing such copy; and if such copy, when required to be sealed, is received unsealed, the secretary shall cause a memorandum of such fact to be made on the copy of the records.

examination.
1890, 423, §§114,
115.

SECTION 182. The secretary of the Commonwealth shall duly lay before the governor and council the copies of

the records of the votes cast at an election with their seals unbroken. The governor with five councillors, at least, shall, as soon as may be, open and examine all such copies of the records of votes, and determine what persons appear to be elected to the several offices in accordance therewith. Upon completion of such examination and determination, the secretary shall furnish to such newspapers published in the Commonwealth, as shall apply therefor, an abstract of the records of the votes examined.

Returns of
votes, abstract
for newspapers.

SECTION 183. The governor, after examination and determination as provided in the preceding section, shall, in the presence of at least five councillors, make and subscribe a certificate of the examination of the copies of the records of the votes for governor and lieutenant governor, for councillors, for secretary, treasurer and receiver general, auditor, and attorney-general, and for senators, and of the results of such examination, and he shall, in accordance with the constitution of the Commonwealth, issue his summons to such persons as appear to be chosen to the said offices. The governor shall also issue certificates of election to such persons as appear to be chosen to the offices of representatives in congress, commissioners of insolvency, clerks of the courts, registers of probate and insolvency, sheriffs and district attorneys, and such certificates shall be countersigned by the secretary and transmitted by him to the persons so appearing to be elected.

certificate of
examination,
1890, 423, §§114,
116.

summons.

certificates of
election.

SECTION 184. After examination and certification have been made in accordance with the provisions of the preceding sections, the copies of the records of the votes shall be replaced in their respective envelopes, and the governor shall deliver them and the certificate of examination thereof, made as provided in the preceding section, to the secretary; and the secretary shall on the first Wednesday in January lay the same, together with schedules showing the number of ballots which appear to have been cast for each person voted for, before the senate and house of representatives.

to be returned
to secretary.
1890, 423, §§115,
117.

to be laid
before legis-
lature.

Except for the above purposes, all the copies of the records of votes, both original and corrected, which have been duly transmitted to the secretary, shall be kept and remain on file in the office of the secretary, and be there open to the inspection of any interested party who may apply therefor.

to be filed in
secretary's
office.

Presidential
electors, ex-
amination of
returns of votes.
1890, 423, §173.

proclamation.

issue of cer-
tificates if elec-
tion is not
contested.

petition of cer-
tain candidates
for declaration
of election.
1890, 423, §§178,
179, 180.

day for hear-
ing, notice, etc.

SECTION 185. The copies of the records of the votes for electors of president and vice president of the United States shall, in any event, be opened and examined by the governor and council within ten days after the same have been transmitted to the secretary of the Commonwealth in accordance with the requirements of the provisions of this act; and the governor and council, after examining the copies of the records and ascertaining therefrom the number of votes cast for electors, shall declare, by proclamation to be printed in at least one newspaper in each county, the names of the several persons who have received not less than one fifth of the entire number of votes cast for electors, and the number of votes received by each such person.

The several persons, up to the number of electors required to be chosen, who have received the highest number of votes as so ascertained, and as to whose election no notice of a contest has been received by the governor in accordance with the provisions of the following section of this act, shall, at the expiration of fourteen days from the date of such proclamation, be deemed and taken to be elected; and the governor shall thereupon issue a certificate of election to every such person so found to be elected, and as to whose election no notice of a contest has been received.

SECTION 186. Any person who appears, by the proclamation of the governor made in accordance with the preceding section, to have received not less than one fifth of the entire number of votes cast for electors, may apply by petition to the supreme judicial court for the county of Suffolk, for a declaration of his election as an elector. Such petition shall set forth the name of every person whose election is contested and the ground for the contest, and shall be filed within seven days from the date of such proclamation. The petitioner shall, upon filing such petition, and before any proceedings are had thereon, recognize to the Commonwealth, in such sum and with such sureties as the court shall order, to pay all costs incurred in the prosecution of his petition, in case he shall not prevail in the same. The court shall thereupon fix a day for the hearing of the petition, which day shall be not less than three days nor more than seven days from the date of the filing thereof; and shall order due notice of the hearing, containing a short statement of the substance of

the petition, to be given, in such manner as it may direct, to the governor and to every person whose election is so contested. The court shall likewise order such notice to be published in at least one newspaper in each county to be designated by the court.

SECTION 187. At the day fixed for a hearing, in accordance with the preceding section, the petitioner shall appear and produce his evidence, and every person whose election is contested may appear and produce evidence on his part. A petitioner or other party may appear himself or by his authorized agent or attorney, and no other person shall be made a party to the proceedings on such petition, or be heard thereon personally or by counsel, except that if more than one petition is pending, or the election of more than one person is contested, the court may order the cases to be heard together or apart, as in its judgment may seem best. The court shall thereupon hear the case or cases, and finally determine all questions of law and fact involved. The burden of proof in every case shall be upon the petitioner, and the hearing shall be confined to the grounds stated in the petition, which shall not be amended after the petition has been filed. No ex parte affidavit shall be competent evidence in such hearing. No person shall be excused from testifying or producing papers or documents therein on the ground that his testimony or the production of the papers or documents will tend to criminate himself; but no person so testifying shall be liable to any suit or prosecution, civil or criminal, for any matter or cause in respect of which he shall be so examined or to which his testimony shall relate. The court shall have the same power to compel the attendance of witnesses which it now has in suits at common law, and shall have power to make such rules and regulations, not inconsistent with the provisions of this act, regarding the conduct of the proceedings, as it may deem proper, and, in general, shall have all power necessary to the complete exercise of the authority conferred upon it by this act.

The court shall adjudge in each case which of the parties to the proceedings is elected to the office of elector, and shall cause its adjudication to be entered of record in such form and manner as it shall direct, and shall forthwith certify its adjudication to the governor; and such adjudication so certified shall be final and conclusive that the person, therein declared to have been

Presidential electors, appearance of petitioner and other candidates, 1890, 423, §§181, 182, 183.

determination of questions of law and fact; burden of proof, evidence.

witnesses, not to be excused, not liable to prosecution, etc.

power of the court.

court to adjudge which party is entitled to office; certification to governor.

Presidential electors, governor to issue certificate of election.

proceedings when petitioner fails to prosecute petition. 1890, 423, §184.

elected, is duly elected; and the governor shall forthwith issue to such person a certificate of his election, reciting in such certificate that it is issued pursuant to adjudication under this act.

SECTION 188. If a petitioner shall fail duly to appear and prosecute his petition, according to the requirements of this act and of such rules and orders as the court shall make thereunder, the court shall adjudge that he has so failed, and shall cause adjudication to be entered of record in such form and manner as it shall direct, and shall forthwith certify such adjudication to the governor; such adjudication of the court shall be a final and conclusive bar to the claim of the petitioner as fully and completely as if his claim had been heard and determined on its merits; and the governor shall forthwith issue a certificate of election to the person whose election was contested by the petitioner.

costs of proceedings. 1890, 423, §185.

SECTION 189. The costs of all proceedings under this act shall be taxed under the direction of the court, and if two or more cases are heard together, the costs shall be apportioned between them by the court. In every case in which the petitioner shall not finally prevail, such costs shall be paid by him; and in every case in which the petitioner shall finally prevail, the costs shall be borne by the Commonwealth and shall be paid out of the treasury of the Commonwealth.

power and authority of justices. 1890, 423, §186.

SECTION 190. The final hearing and determination under this act shall be by a majority of the justices of the supreme judicial court, but any single justice thereof may exercise any other power and authority given to the court by this act.

Returns of votes, county commissioners to examine, etc. 1890, 423, §121.

SECTION 191. The county commissioners, to whom the copies of the records of the votes for county treasurer and register of deeds have been transmitted in accordance with the provisions of section one hundred and seventy-nine of this act, shall, on the first Wednesday of the month next succeeding that in which the election for said officers was held, open and examine such copies, determine what persons appear to be elected to such offices in accordance therewith, and they shall issue certificates of election to the persons so appearing to be elected. The county commissioners shall also give notice to the secretary of the Commonwealth, of the name and residence of

notice to secretary.

every person so elected, and the period of his term of office.

In the county of Suffolk the board of aldermen of the city of Boston shall, within ten days after the election of register of deeds for said county, in like manner open and examine the copies of the records of the votes for that officer, determine what person appears to be elected, and issue a certificate and give notice as above provided.

Returns of votes, proceedings of board of aldermen of Boston.

SECTION 192. The board of examiners in each county in which an election for county commissioner and special commissioners is held, shall meet on the first Wednesday of the month next succeeding that in which any such election has been held, and the clerk of the courts shall lay before the board the copies of the records of the votes for said officers which have been transmitted to him in accordance with section one hundred and seventy-nine of this act. The board shall thereupon open and examine such copies, determine what persons appear to be elected in accordance therewith, and they shall issue certificates of election to the persons so appearing to be elected. The board shall also give notice to the secretary of the Commonwealth of the name and residence of every person so elected, and the period of his term of office. The board shall, within three days after completing the examination and determination as aforesaid, deposit the copies of the records of the votes in the office of the clerk of the courts for the county, to be filed by him; and the clerk shall notify the attorney-general of any case of neglect to deposit the same as so required.

board of examiners to examine, etc. 1890, 423, §§119, 120.

notice to secretary.

filing with clerk of the courts.

SECTION 193. Whenever, upon examination of the copies of the records of votes, made in accordance with the requirements of the preceding sections, it shall appear to the governor and council, to the board of examiners, or to the county commissioners, that any such copy is incomplete or erroneous, the body so making the examination may order a new copy of the records to be made and transmitted in the manner provided for making and transmitting the original copies; such new copy shall be transmitted by the clerk of the city or town within seven days after the date of the order requiring the same to be made, and if found to be correct, and in conformity to the requirements of law, shall thereupon have the same force and effect as an original copy correctly made and trans-

when incomplete, new returns to be made, etc. 1890, 423, §122.

Returns of
votes, filing by
board of ex-
aminers.

Representative
district, one
city or town,
election record,
examination,
etc.
1890, 423, §153.

two or more
towns, etc.,
election record,
copy for clerk,
etc.
1890, 423, §§149,
151, 152.

clerks, to
meet and de-
termine elec-
tion.

to certify and
record names of
candidates and
number of
votes.

mitted. The provisions of law applicable to the filing of the original copies of the records of the votes by boards of examiners shall apply to the filing of such new copies.

SECTION 194. If a representative district for the election of representatives in the general court is composed of one city or town, or one or more wards of a city, the board of aldermen of the city, or the selectmen of the town, shall forthwith examine the records of the votes for the office of representative, shall determine what person or persons appear to be elected in accordance therewith; and they shall cause to be entered at length by the city or town clerk, in the records of the city or town, the names of all persons for whom votes for representative were given in the district, and the number of votes given for each such person.

SECTION 195. If a representative district is composed of two or more towns, of wards of two or more cities, or of one or more towns and one or more wards of a city, the election officers in every voting precinct in each such district and the selectmen and town clerk of each town therein not divided into voting precincts, shall, as soon as the vote for representatives has been recorded, cause to be made a complete copy of the record of the votes for the office of representative, shall certify and seal such copy and deliver the same to the city or town clerk, as the case may be.

The city and town clerks of every city and town in each such district shall meet at the place designated, in accordance with the provisions of the following section, at noon, or as soon thereafter as possible, on the tenth day succeeding the day of the election, except that they shall meet on the fourth day succeeding the day of an election to fill a vacancy in such office. The clerks at such meeting shall open, examine and compare the copies of the records of the votes of every such voting precinct and town, and determine therefrom what person or persons appear to be elected to the office of representative. They shall make in words at length and certify a schedule of the names of all persons for whom votes for representative were given in the district, and the number of votes given for each person; and the clerk of each city and town shall, within four days after the day of the meeting, make a copy of such schedule in the records of such city or town.

SECTION 196. If a representative district is so composed as to be included within the provisions of the preceding section, the officers authorized by the constitution in each county to divide the county into representative districts shall, in making such division, designate a place in each such district, at which the clerks, whose duty it is made by said section to determine the result of the election for representative in such district, shall meet for such purpose. The place of meeting, when once so fixed, may be subsequently changed by the officers having such authority, on petition of two of such clerks and after a hearing; but such change shall not be made oftener than once in two years. Due notice of such designation and of every change thereof shall be given by the officers having such authority to the secretary of the Commonwealth, and to the city and town clerk of every city and town in the district.

Representative district, designation of place of meeting of clerks. 1890, 423, §§149, 150.

place may be changed.

notice of designation and change.

SECTION 197. The city and town clerks, when examining the copies of the records of the votes for the office of representative in a representative district, shall, if any error appears therein, forthwith give notice of such error to the election officers by whom the error is made; and such election officers shall forthwith make under oath a new and additional record in conformity to the truth, and transmit a copy thereof to the clerks requiring the same. Any additional copy of the records made by the election officers shall be examined by the clerks if received by them within two days from the time appointed for their meeting; and for such purpose their meeting may be adjourned for a period not exceeding two days.

correction of errors in returns of votes. 1890, 423, §151.

SECTION 198. The board of aldermen of a city, or the selectmen of a town, or the clerks of cities and towns, as the case may be, acting in a representative district, after having determined, in accordance with the provisions of the preceding sections, what person or persons appear to have been elected to the office of representative in such district, shall, or a majority of them shall, make duplicate certificates of election of the person or persons so appearing to be elected; and they shall, within fifteen days after the day of the election, transmit one of such certificates to the secretary of the Commonwealth, and shall, by a constable or other proper officer, transmit the other certificate to the person named therein as elected. Such certificates of election shall be in substance as follows:—

Representative in general court, certificates of election, issue. 1890, 423, §§153, 154, 156, 159.

transmission.

Representative
in general court,
certificate of
election, form.

Commonwealth of Massachusetts, county of . . . Pursuant to a law of this Commonwealth, the qualified voters of Representative District Number , in their several meetings on the day of November instant, for the choice of Representatives in the General Court, did elect , being inhabitants of said district, to represent them in the General Court, to be holden on the first Wednesday of January next.

Dated at the day of in the year one thousand eight hundred and .

return of offi-
cer, filing, etc.

There shall be printed on every such form, the first four sections of chapter two of the Public Statutes, and this section and section two hundred and seventeen of this act. Every constable or other officer transmitting such certificate shall make a return to the officers from whom the same was received, stating that such certificate was duly delivered to the person mentioned therein as elected, and his return so made shall be filed with the city or town clerk.

return of
votes to secre-
tary, etc.
1890, 423, §155.

SECTION 199. The city or town clerk of every city and town shall, within fifteen days after the day of an election therein for representative in the general court, transmit to the secretary of the Commonwealth an attested copy of the record of votes cast for all candidates for said office in each voting precinct and in each town not divided into voting precincts.

Whole number
of ballots to be
stated in rec-
ords, etc.
1890, 423, §160.

SECTION 200. In all records of votes cast at elections, and in all copies of such records the whole number of ballots given shall be distinctly stated in words at length, but an omission so to state the whole number of ballots given shall not render a record or copy thereof invalid in any case in which the true result of the election can be ascertained from other parts of the record or copy, or by a recount made in conformity with the provisions of law.

Violation of
certain require-
ments not to
affect, etc.
1891, 328, §6.

SECTION 201. No violation, by a public officer or election officer, of the requirements of this act relative to providing ballot boxes, blank forms and other apparatus and the care and preservation thereof, and relative to the manner of canvassing and counting votes, shall invalidate any record or copy of a record or certificate duly made by a city, precinct or town clerk, or affect the title of any person who is duly declared to be elected to any office.

Proof of return,
etc., mailed,
etc., bar to
complaint, etc.
1890, 423, §110.

SECTION 202. Proof that a copy of the records of the votes at an election was properly addressed to the person to whom it was by law required to be transmitted or de-

livered, and was duly deposited in the post office within the time fixed by law for transmission or delivery, shall be a bar to any complaint for delinquency.

SECTION 203. The city or town clerk of every city and town shall, within fifteen days after the day of an election therein of state, city or town officers, certify to the secretary of the Commonwealth the total number of names of male and of female voters checked on the voting list as having voted at such election in each voting precinct in such city or town, or in such town, as the case may be.

Number of names checked to be returned.
1890, 423, §109.

SECTION 204. The secretary of the Commonwealth shall, on or before the first day of February in each year, report to the general court the number of assessed polls, the number of registered male and female voters at the date of the last preceding annual state election and city or town election, and the total number of persons, both male and female, who voted at each such election in every city and town, and in every voting precinct of a city and town, and he shall include in such report a concise statement of other matters relating to elections, with such suggestions as he may deem advisable. The report of the secretary shall be one of the series of public documents, and fifteen hundred copies thereof shall be annually printed.

Report of number of assessed polls, registered voters, etc.
1890, 423, §118;
1891, 329, §4.

SECTION 205. The board of aldermen of a city and the selectmen of a town may make such regulations, not inconsistent with the provisions of this act, in regard to the manner of counting and returning the votes as they may deem expedient.

Regulations for counting and returning votes.
1890, 423, §94.

6. RECOUNTS OF VOTES.

SECTION 206. If, within the thirty days next succeeding the day of an election in a city or town, a person who has received votes for any office at such election, shall, by himself or by his agent or attorney, serve upon the clerk of such city or town, a statement in writing claiming an election to such office, or declaring an intention to contest the election thereto of any other person, such clerk shall retain every envelope containing the ballots for such office cast at the election, sealed as provided by law, until such claim is withdrawn or the contest for the election is finally determined by the competent authority. Every envelope with the ballots shall, however, be and remain subject to

Contested election, clerk to retain ballots.
1890, 423, §103.

ballots subject to order, etc.

Contested election, recount of ballots, amendment of records.

the order of the body to which any such person claims or may be held to have been elected, or to the order of the officers required by law finally to examine the records or copies of the records and to issue certificates of election to such office, or to the order of a court having jurisdiction of the matter. Any such body or officers may order the clerk to appear before them and bring with him every such envelope with the ballots. The clerk shall, in response to the order, appear with the envelopes and ballots, and such body or officers may open the envelopes, recount the ballots therein, and amend any record or copy thereof made by them in relation to such office in accordance with the result of the recount.

Errors, in state or city elections, statement, etc. 1890, 423, §104.

SECTION 207. If within the six days next succeeding the day of an election for state or city officers in a city or town, ten or more qualified voters of any ward of a city or of any voting precinct of a town, or of any town not divided into voting precincts, shall file with the city or town clerk a statement in writing that they have reason to believe that the records or copies of records made by the election officers of certain precincts in such ward or town, or of such town, are erroneous, and shall specify wherein they deem them in error, the clerk shall forthwith transmit such statement to the board of aldermen or selectmen, whose duty it is to examine the records or certificates of such election. The board of aldermen or a committee thereof, or the selectmen, shall thereupon and within the eight days next succeeding the day of election, open the envelope or envelopes containing the ballots and examine the ballots cast in each such voting precinct or town, as the case may be, and shall determine the questions raised. After making such examination and determination, the aldermen, committee, or selectmen, as the case may be, shall again enclose all ballots in their proper envelope, seal each envelope with the seal of the city or town, or with a seal provided for the purpose, and certify upon each envelope that the same has been opened and again sealed in conformity to law; and they shall likewise make and sign a statement of their determination of the questions raised. The envelopes, together with such statement, shall be returned to the city or town clerk, and he shall alter and amend such records as have been found to be erroneous, in accordance with such determination; and the records so amended shall stand as the

determination of question raised.

amendment of records, etc.

true records of the election. The city or town clerk shall likewise, in accordance therewith, amend the records of the city or town, and copies of such amended records of the votes cast at a state election shall be made and transmitted, as are required by the provisions of this title in the case of original copies of records.

In the case however of an election to fill a vacancy in the office of a senator or representative in the general court, any such statement of ten qualified voters of their belief that errors exist, shall be filed within the two days next succeeding the day of election, and the examination of ballots shall be made within the three days next succeeding the day of election.

Errors, in case of election to fill certain vacancies.

SECTION 208. If, within the two days next succeeding the day of an election for town officers in a town, for which ballots are provided at the expense of the town, ten or more qualified voters of such town shall file with the town clerk a statement in writing that they have reason to believe that an error was made in ascertaining or declaring the result of such election, and shall specify wherein they deem such error to have been made, the clerk shall forthwith transmit such statement to the moderator of the town meeting. Such moderator shall thereupon, and within the three days next succeeding the day of such election, open the envelope or envelopes containing the ballots cast for candidates for the office, the election to which is disputed, and shall determine the questions raised. If upon such determination it shall appear that a person was elected, other than the person declared in town meeting to have been elected, the moderator shall forthwith make and sign a certificate of such fact, stating therein the number of votes cast, as determined by the recount, for each candidate for the office, the election to which is disputed, and shall file the same with the town clerk. The town clerk shall record the certificate in his book of records of town meetings, directly following his record of the meeting at which such election was held, and shall, within twenty-four hours after such filing, cause a copy of such certificate, attested by him, to be delivered to or left at the residence of the person so declared to have been elected, and to the person who by such certificate appears to be elected. The person who by such certificate appears to be elected, shall be deemed and taken to have been elected.

town election, statement, etc., 1890, 423, §226.

determination of questions raised.

record and notice to persons affected.

persons deemed to be elected.

Recount of ballots, candidates to be notified, may be present. 1890, 423, §§106, 226.

SECTION 209. Whenever a recount of ballots cast at an election is had under the provisions of the preceding sections, the board, officers or committee charged with the duty of making such recount shall, before proceeding to recount the ballots, give notice in writing to the several candidates interested in such recount and liable to be affected thereby, of the time and place of making the same, and each such candidate may appear and be present during such recount either in person or by an agent appointed by him in writing.

on question of granting liquor licenses, in cities, statement, etc. 1890, 423, §105.

SECTION 210. If, within the fourteen days next succeeding the day of the annual city election in any city, ten or more qualified voters in such city shall file with the city clerk a statement in writing that they have reason to believe that the record of ballots cast upon the question of granting licenses for the sale of intoxicating liquors in such city is erroneous, the clerk shall forthwith transmit such statement to the board of aldermen of such city and the board of aldermen, or a committee thereof, shall, within ten days thereafter, recount the ballots and declare the result, and their record of such recount shall stand as the true result of the vote cast in such city upon the said question.

determination of questions raised.

in towns, statement, etc. 1892, 224.

SECTION 211. If, within the two days next succeeding the day on which the declaration is made of the result of the vote in a town upon the question of granting licenses for the sale of intoxicating liquors therein, ten or more qualified voters in such town shall file with the town clerk a written statement that they have reason to believe that an error was made in ascertaining or declaring the result of the count of the ballots cast upon said question, the clerk shall forthwith transmit such statement to the moderator of the meeting. The moderator shall thereupon and within the three days next succeeding the day of such declaration, publicly recount such ballots and declare the result of such vote. If the recount does not agree with the original count, the moderator shall forthwith make and sign a certificate of the result of such recount, and file the same with the town clerk. The town clerk shall record the certificate in his book of records of town meetings, directly following his record of the meeting at which such ballots were cast; and the record of the recount shall stand as the true result of the vote cast in such town upon said question.

determination of questions raised.

record.

SECTION 212. The selectmen and the moderator of a town meeting in any town may appoint tellers, in accordance with the provisions of section one hundred and sixteen of this act, to assist them or him, as the case may be, in making a recount of ballots under the provisions of the preceding sections.

Recount of ballots, tellers may be appointed. 1890, 423, §§104, 226.

SECTION 213. No election officer or other officer, whose duty it is to recount ballots cast at an election, shall, except as required by law, make any statement or give any information in regard to a ballot deposited by a challenged voter at such election.

information not to be given regarding challenged votes. 1892, 332, §1.

SECTION 214. The board of aldermen of a city shall not declare the result of an election therein for state or city officers, or of a vote upon the question of granting licenses for the sale of intoxicating liquors therein, until the time for filing a request for a recount of ballots has expired, or, in case such request has been made, until the ballots have been examined and the returns, if found erroneous, amended in accordance with the provisions of sections two hundred and seven and two hundred and ten of this act, notwithstanding any provision to the contrary in special acts relating to such city. If upon the expiration of the time allowed for so filing a request for a recount of ballots, no such request has been filed, or if after the ballots have been examined in accordance with such request and such records and certificates as are found erroneous have been amended as aforesaid, the board of aldermen shall forthwith declare the result of the election, and the city clerk shall thereupon issue certificates of their election to the persons appearing so to be elected. No person so elected to a city office shall act in an official capacity by virtue of such election before notice as aforesaid has been issued.

Time for declaring result of elections in cities. 1885, 159; 1890, 423, §107.

persons elected to city offices not to act until notified.

TITLE VI.

1. PROCEEDINGS IN CASES OF FAILURE TO ELECT AND VACANCIES IN STATE OFFICES.

SECTION 215. If upon examination of the copies of the records of the votes for electors of president and vice president of the United States in accordance with the provisions of this act, it shall appear that a majority of the whole number of electors have not been chosen, the gov-

Presidential electors, failure to elect a majority. 1890, 423, §§174, 175.

ernor shall forthwith, by proclamation, call together the general court; and the senators and representatives assembled in joint convention, shall by joint ballot choose as many electors as may be necessary to complete the full number.

Presidential
electors,
vacancy or
absence at time
of meeting.

If the whole number of electors shall not have been chosen when the electors shall meet to give their votes for president and vice president, as required by law, or if an elector shall have died or shall then be absent, the electors present shall forthwith choose from the citizens of the Commonwealth as many electors as may be necessary to complete the full number.

Representative
in congress,
failure to elect.
1890, 423, §§167,
168.

SECTION 216. If there is a failure at an election to choose a representative in congress in a congressional district, the governor shall cause precepts to be issued to the board of aldermen in every city and the selectmen in every town in the district, directing them to call meetings of the qualified voters therein on such day as shall be appointed in the precepts for the election of a representative in congress.

vacancy.

If a vacancy occurs in the office of representative in congress, the governor shall in like manner cause precepts to be issued for an election of representative in congress in the district in which the vacancy occurs.

Representative
in general court,
failure to elect.
1890, 423, §§157,
158.

SECTION 217. If there is a failure at an election to choose a representative in the general court in a representative district, a certificate of the fact shall be forthwith transmitted to the secretary of the Commonwealth in the same manner as a certificate of the election of a representative is required to be transmitted to him by the provisions of section one hundred and ninety-eight of this act, and shall be by him duly laid before the speaker of the house of representatives. In such case of a failure to elect and also in case a vacancy in the office shall occur in a representative district, the speaker shall issue precepts to the board of aldermen of each city and the selectmen of each town comprising such district or any part thereof, appointing a time, such as the house of representatives may order, for an election to choose a representative or to fill the vacancy. Upon the receipt of such precepts, the board of aldermen and the selectmen shall call meetings of the qualified voters in such district, to be held in accordance with the precepts.

vacancy.

SECTION 218. If there is a failure at an election to choose a district attorney, clerk of the courts, register of probate and insolvency, commissioner of insolvency, or sheriff, the governor shall declare such failure, and shall cause precepts to be issued to the proper officers, directing them to call meetings of the qualified voters of the district or county in which such failure occurs, to be held on such day as he shall appoint, for the election of such officer.

District and county officers, failure to elect. 1890, 423, §§197, 200, 205.

If a vacancy shall occur by removal or otherwise in the office of any of the above-mentioned officers, the governor shall in like manner cause precepts to be issued for an election to fill such vacancy at the next annual state election for which precepts can be seasonably issued, except that no such election shall be held unless the term of office of the officer whose position is so vacant extends beyond the first Wednesday of January next succeeding the day of such election.

vacancy, election.

In case of a vacancy occurring as aforesaid in the office of commissioner of insolvency or of sheriff, the governor with the advice and consent of the council may appoint some person to fill such office until a person is duly elected to the office and qualified. In case of such vacancy occurring in the office of district attorney, a clerk of the courts, or register of probate and insolvency, some person may be appointed, in the manner now provided by law, to fill such office until a person is duly elected and qualified.

vacancy, appointment.

SECTION 219. If there is a failure at an election to choose a county treasurer for any county, or a register of deeds for any county or district of a county, except the counties of Suffolk and Nantucket, the county commissioners of such county shall forthwith issue precepts to the board of aldermen of each city and the selectmen of each town in such county or district, directing them to call meetings of the qualified voters thereof, for the election of such officer to be held on such day as the county commissioners shall appoint.

County treasurer, register of deeds, failure to elect. 1890, 423, §§199, 202, 204, 206.

If a vacancy shall occur by removal or otherwise in the office of county treasurer of any county, or of register of deeds in any county or district of a county, except the counties of Suffolk and Nantucket, the county commissioners of such county shall in like manner issue precepts for an election to fill such vacancy at the next annual state election for which precepts can be seasonably issued, except that no such election shall be held unless the term of

vacancy, election.

office of the officer whose position is so vacant extends beyond the first Wednesday of January next succeeding the day of such election.

County treas-
urer, register of
deeds, vacancy,
appointment.

In case of a vacancy occurring as aforesaid in the office of county treasurer of any county, or in the office of register of deeds of any county, except the counties of Suffolk and Nantucket, the county commissioners of such county may appoint some person to fill such office until a person is duly elected to the office and qualified.

Register of
deeds, Suffolk,
failure to elect,
vacancy.

If there is a failure so to choose a register of deeds in the county of Suffolk, or if a vacancy shall occur in that office in said county, the board of aldermen of the city of Boston shall issue precepts and call meetings for the election of a register of deeds or the filling of such vacancy, as the case may be, as is above provided for an election or the filling of a vacancy for that office in counties other than the counties of Suffolk and Nantucket; and, in case of a vacancy occurring in that office in said county of Suffolk, the superior court shall appoint some person to fill the office until a person is duly elected to the office and qualified.

Nantucket,
failure to elect,
vacancy.

If there is a failure so to choose a register of deeds in the county of Nantucket, or if a vacancy shall occur in that office in said county, the selectmen of the town of Nantucket shall call a meeting for the election of a register of deeds or for the filling of such vacancy, as the case may be, as is above provided for an election or the filling of a vacancy for that office in counties other than the counties of Suffolk and Nantucket; and in case of a vacancy occurring in that office in said county of Nantucket, the selectmen shall appoint some person to fill the office until a person is duly elected to the office and qualified.

County or spe-
cial commis-
sioner, failure
to elect.
1890, 423, §108;
1892, 115, §§1, 2;
1893, 39, §§1, 2.

SECTION 220. If there is a failure at an election to choose a county commissioner or special commissioner for any county, the board of examiners of such county shall forthwith issue precepts to the board of aldermen of each city and to the selectmen of each town in such county, directing them to call meetings of the qualified voters thereof for the election of such officer, to be held on such day as the board of examiners shall appoint. In case of the failure to elect such commissioner for the county of Middlesex, such precept shall also be issued to the board of aldermen of the city of Chelsea and the selectmen of the towns of Revere and Winthrop.

vacancy,
election.

If a vacancy shall occur by removal or otherwise in the

office of county commissioner or special commissioner for any county, the board of examiners of such county shall in like manner issue precepts for an election to fill such vacancy at the next annual state election for which precepts can be seasonably issued, except that no such election shall be held unless the term of office of the commissioner whose office is so vacant extends beyond the first Wednesday of January next succeeding the day of such election.

In case of a vacancy occurring, as aforesaid, in the office of county commissioner or special commissioner of a county, the county commissioners or the two remaining county commissioners, as the case may be, and the clerk of the courts for the county, or a majority of them, may appoint some person to fill such office until a person is duly elected to the office and qualified.

County or special commissioner, vacancy, appointment.

SECTION 221. The county commissioners in each county shall forthwith notify the secretary of the Commonwealth of any vacancy occurring in the office of county treasurer or of register of deeds for the county or any district thereof; and the board of examiners in each county shall likewise notify the secretary of any vacancy occurring in the office of county commissioner or special commissioner of any county. County commissioners and boards of examiners shall forthwith send to the secretary of the Commonwealth a copy of precepts for an election issued by them under the provisions of this act.

County officers, vacancy, notice to secretary, etc. 1890, 423, §§120, 121, 207.

copy of precepts to secretary, etc.

SECTION 222. When elections are held in consequence of a failure to elect in a preceding election or to fill vacancies in any office, in accordance with the provisions of the preceding sections of this title, proceedings shall be had similar in all respects, so far as applicable, to those had in elections to the same office at the annual state election.

Elections to fill vacancies, proceedings. 1890, 423, §§158, 167, 168, 198, 199.

SECTION 223. The provisions as to the qualifications of a person for any office, which are applicable in the case of an original election, shall apply to every person elected or appointed to fill a vacancy in such office; and each person so elected or appointed shall perform the same duties and have and exercise all the powers and be subject to all the requirements and penalties which by law pertain to such office, and a person elected to any such office shall, unless sooner removed therefrom, hold office for the remainder of the term of the officer whose place he fills and until his successor is chosen and qualified.

provisions applicable to persons elected, etc. 1890, 423, §§204, 206; 1892, 115, §1; 1893, 39, §§1, 2.

TITLE VII.

1. PROCEEDINGS OF PRESIDENTIAL ELECTORS.

Presidential
electors, meet-
ing, organiza-
tion,
1890, 423, §§175,
176.

SECTION 224. The persons chosen electors of president and vice president of the United States shall meet at the state house in the city of Boston on the Saturday preceding the second Monday in January, succeeding their election, at three o'clock in the afternoon, and organize by the choice of a presiding officer and secretary.

proceedings.

On such second Monday in January, if the whole number of electors chosen are not present, the electors present shall proceed to elect as many electors as may be necessary to complete the full number in accordance with the provisions of section two hundred and fifteen of this act. They shall thereupon vote by ballot for president and vice president of the United States, one of whom at least shall not be an inhabitant of this Commonwealth. They shall name in their ballots the person voted for as president, and in distinct ballots, the person voted for as vice president; and they shall make distinct lists of all the persons voted for as president and of all persons voted for as vice president, and of the number of votes given for each, which lists they shall sign and certify, and transmit, sealed, to the seat of government of the United States, directed to the president of the senate; and they shall in all other respects proceed conformably to the constitution and laws of the United States.

compensation.

SECTION 225. Each elector shall receive three dollars a day for attendance and one dollar for every five miles of travel from his place of residence to the place of meeting.

TITLE VIII.

1. CORRUPT PRACTICES.

Candidate, pay-
ment of money,
etc.
1892, 416, §1.

SECTION 226. No person shall, in order to aid or promote his own nomination as a candidate for public office, by a caucus, convention or nomination paper, directly or indirectly, by himself or through another person, or by a political committee, give, pay, expend or contribute, or promise to give, pay, expend or contribute, any money or other valuable thing, except for personal expenses as hereinafter provided.

SECTION 227. No person shall, in order to aid or promote his own nomination or election to a public office, directly or indirectly, by himself or through another person, promise to appoint, or promise to secure or assist to secure the appointment, nomination or election of another person to a public position or to a position of honor, trust or emolument, except that he may announce or define what is his choice or purpose in relation to an election in which he may be called to take part, if he shall be elected to the public office for which he is a candidate.

Candidate,
promise of
appointment,
etc.
1892, 416, §2.

SECTION 228. No person shall, in order to aid or promote his own election to a public office, directly or indirectly, by himself or through another person, give, pay, expend or contribute, or promise to give, pay, expend or contribute, any money or other valuable thing, except for personal expenses and to a political committee as hereinafter provided.

payment, etc.,
of money, etc.,
regulated.
1892, 416, §3.

SECTION 229. A candidate for nomination or for election to a public office, and any other person, may incur and pay, in connection with such nomination or election, his own personal expenses for travelling and for purposes properly incidental to travelling; for writing, printing and preparing for transmission any letter, circular or other publication which is not issued at regular intervals, whereby he may make known his own position or views upon public or other questions; for stationery and postage, for telegraph, telephone and other public messenger service, and for other petty personal purposes, but all such expenses shall be limited to those which are directly incurred and paid by him; and no person shall be required to include such personal expenses in any statement which may be required of him under this act.

personal
expenses.
1892, 416, §4.

SECTION 230. A person who is nominated as a candidate for public office, by a caucus, convention or nomination paper, and a person who shall with his own assent be voted for for public office, may make a voluntary payment of money or a voluntary and unconditional promise of payment of money to a political committee, as hereinafter defined, for the promotion of the principles of the party which the committee represents, and for the general purposes of the committee.

not to be
included in
statement.

voluntary
payment to
committee.
1892, 416, §5.

SECTION 231. The term "political committee", under the provisions of this title, shall apply to every committee or combination of three or more persons who shall aid or

Political com-
mittee.
1892, 416, §6.

Political committee, treasurer, accounts.

receipt or disbursement of money prohibited until treasurer is chosen.

agent to account to treasurer.
1892, 416, §7.

treasurer's accounts and records.

treasurer to file statement, etc.
1892, 416, §8.

contents of statement.

promote the success or defeat of a political party or principle in a public election, or shall aid or take part in the nomination, election or defeat of a candidate for public office. Every such committee shall have a treasurer, who is a legal voter of the Commonwealth, and shall cause to be kept by him detailed accounts of all money, and the equivalent of money, which shall be received by or promised to the committee, or by any person acting under its authority or in its behalf, and of all expenditures, disbursements and promises of payment or disbursement which shall be made by the committee or by any person acting under its authority and in its behalf; and no person, acting under the authority or in behalf of such committee, shall receive any money, or equivalent of money, or expend or disburse the same, until the committee has chosen a treasurer to keep its accounts as herein provided.

SECTION 232. A person who, acting under the authority or in behalf of a political committee, shall receive any money or equivalent of money or promise of the same, or shall expend any money or its equivalent, or shall incur any liability to pay money or its equivalent, shall at any time thereafter on demand of the treasurer of such committee, and in any event within fourteen days after such receipt, expenditure, promise or liability, give to such treasurer a detailed account of the same, with all vouchers required by this act; and such account shall constitute a part of the accounts and records of such treasurer.

SECTION 233. The treasurer of every political committee which shall receive or expend or disburse any money, or equivalent of money, or incur any liability to pay money, in connection with any election, if the aggregate of such receipts or of such expenditures, disbursements and liabilities shall exceed twenty dollars, shall within thirty days after such election file a statement setting forth all the receipts, expenditures, disbursements and liabilities of the committee, and of every officer and other person acting under its authority and in its behalf. Such statement shall include the amount in each case received, the name of the person or committee from whom it was received, and, so far as practicable, the date of its receipt, and shall also include the amount of every expenditure or disbursement, the name of the person or committee to whom the expenditure or disbursement was made, and, so far as practicable, the date of every such expenditure and dis-

bursement; and, except where such expenditure or disbursement was made to another political committee, shall clearly state the purpose for which it was expended or disbursed. The statement shall also give the date and amount of every existing promise or liability, both to and from such committee, remaining unfulfilled and in force at the time the statement is made, with the name of the person or committee to or from whom the unfulfilled promise or liability exists, and clearly state the purpose for which the promise or liability was made or incurred.

SECTION 234. Every person who, acting otherwise than under the authority and in behalf of a political committee having a treasurer as hereinbefore provided, receives money or the equivalent of money, or expends or disburses, or promises to expend or disburse money or its equivalent, to an amount exceeding twenty dollars, for the purpose of aiding or promoting the success or defeat of a political party or principle in a public election, or of aiding or taking part in the nomination, election or defeat of a candidate for public office, shall file such statement as is herein required to be filed by a treasurer of a political committee, in the city or town in which he is a legal voter, and shall be subject to all the requirements of this act, the same as a political committee and the treasurer thereof; but no person other than a legal voter of the Commonwealth shall receive, expend or disburse any money or equivalent of money, or promise to expend or disburse the same, for either of the purposes above-named, except for personal expenses as is herein provided, or under the authority and in behalf of a political committee.

Other persons
subject to
requirements.
1892, 416, §9.

Persons not
voters, receipts,
expenditures,
etc.

SECTION 235. No person shall, directly or indirectly, by himself or through another person, make a payment or promise of payment to a political committee or to an officer or other person acting under its authority or in its behalf, in any other than his own name; nor shall such committee, officer or other person knowingly receive a payment or promise of payment, or enter or cause the same to be entered in the accounts or records of such committee, in any other name than that of the person by whom such payment or promise of payment is made.

Payments, etc.,
name of payer,
etc.
1892, 416, §10.

SECTION 236. No political committee, and no person acting under the authority or in behalf of a political committee, shall demand, solicit, ask or invite a payment of

Candidate,
soliciting, etc.,
money from.
1892, 416, §11.

Candidate,
payment by,
when solicited.

money or promise of payment of money to be used in an election, from a person who has been nominated by a caucus, convention or nomination paper, as a candidate for public office in such election; and no person so nominated shall make any such payment in an election in which he is a candidate for public office, to a political committee or to any person acting under the authority or in the behalf of a political committee, if such committee or any such person has demanded, solicited, asked or invited from him any such payment or promise of payment.

Naturalization
fees, payment
of, etc.
1893, 376.

SECTION 237. No political committee and no person who is required to file a statement in accordance with the foregoing provisions of this title, shall make any payment or promise of payment of money to or in behalf of any person, for fees for the primary or final declaration or application for naturalization, or for services as counsel or otherwise in assisting any one to make such declaration or application.

Treasurer's
statement,
filing, etc.
1892, 416, §§12,
16.

SECTION 238. The statement required by this act to be filed by a treasurer of a political committee shall be filed with the clerk of the city or town in which the treasurer is a legal voter, except that, in case a political committee has its headquarters in some other city or town than that in which the treasurer is a legal voter, the treasurer shall file the statement required of him with the clerk of the city or town in which such headquarters are maintained at the time of the election to which the statement relates.

duplicate.

A statement relating to any other than a city election, or than an election on the part of a city council or of either branch thereof, shall be filed in duplicate, and one copy shall be forthwith forwarded by the city or town clerk receiving the same to the secretary of the Commonwealth, by whom it shall be placed on file. Every person making a statement required by the provisions of this title shall make oath that the same is in all respects correct and true to the best of his knowledge and belief.

under oath.

Equity powers
of courts; pro-
ceedings, etc.
1890, 416, §13.

SECTION 239. The supreme judicial court and the superior court shall have full equity powers to compel any person who fails to file a statement required by this act, or who files a statement which does not conform to the provisions of this act in respect to the truth, sufficiency in detail, or otherwise, to comply with the provisions of this title by filing such a statement as is required, and may compel such compliance upon the petition of any

candidate voted for or of any five persons qualified to vote at the election on account of which the expenditures, or any part thereof, were made or are alleged to have been made. No such petition shall be brought later than sixty days after such election, against any one who has filed his account within the thirty days required, except that a petition may be brought within thirty days of any payment which was not included in the statement so filed. Proceedings under this section shall be advanced upon the dockets of said courts, if requested by either party, so that they may be tried and decided with as little delay as possible. No petition brought under this title shall be withdrawn or discontinued without the consent of the attorney-general.

SECTION 240. No person called to testify in any proceedings under the preceding section shall be liable to criminal prosecution under this act or otherwise, for any matters or causes in respect of which he shall be examined, or to which his testimony shall relate, except to prosecution for perjury committed in such testimony.

Witness not
liable, except,
etc.
1892, 416, §14.

SECTION 241. If any statements which are filed under the provisions of this title shall apparently fail to be in conformity with the requirements thereof, it shall be the duty of the clerk, with whom any such statement is filed, forthwith to notify the person making the same, of such failure, and to request him to amend and correct his statement.

Statements,
correction of.
1892, 416, §15.

SECTION 242. All statements which are filed in accordance with the provisions of this title shall be preserved for not less than fifteen months from the time of the election to which they relate, and shall during such period be open to public inspection, under reasonable regulations.

preservation,
open to public
inspection.
1892, 416, §17.

SECTION 243. A clerk of a city or town shall give a receipt for any statement which may be filed with him in accordance with the provisions of this title, at the request of the person filing the same.

clerk to give
receipt.
1892, 416, §19.

SECTION 244. Every payment in respect of any expense incurred, which is to be accounted for under the provisions of this title shall, unless the total expense payable to the same person is less than five dollars, be vouched for by a receipted bill stating the particulars of expense, and every voucher, receipt or account hereby required shall be preserved for at least six months from the election to which they relate.

Vouchers,
accounts, etc.,
preservation.
1892, 416, §20.

Blanks to be
furnished.
1892, 416, §18.

SECTION 245. The secretary of the Commonwealth shall, at the expense of the Commonwealth, provide every city and town with blank forms suitable for such statements and receipts for statements as are required under the provisions of this title. Such blank forms shall be approved by the secretary, treasurer and auditor of the Commonwealth, or by a majority of them.

Nominations
and elections to
which title shall
apply.
1892, 416, §21.

SECTION 246. The provisions of this title shall apply to all public elections, except elections of town officers in towns, and shall apply to elections by the general court and by city councils, and by either branch thereof, to the nomination by caucuses and conventions and nomination papers of candidates to be voted for at such elections, except that sections two hundred and twenty-six, two hundred and twenty-eight and two hundred and thirty-five of this title shall not apply to the proprietors and publishers of publications issued at regular intervals, in respect to the ordinary and regular conduct of their business as such proprietors and publishers.

§§226, 228, 235
not applicable
to certain pub-
lishers, etc.

TITLE IX.

1. OFFICERS TO BE ELECTED AT STATE ELECTIONS.

State officers
elected
annually.
1890, 423, §147.

SECTION 247. At the annual state election in each year there shall be chosen, as prescribed by the constitution, by the voters of the entire Commonwealth, a governor, lieutenant governor, secretary, treasurer and receiver general, auditor, and attorney-general; by the voters in each councillor district, one councillor; by the voters in each senatorial district, one senator; and by the voters in each representative district, such number of representatives as the district is by law entitled to elect.

Presidential
electors.
1890, 423, §§170,
171.

SECTION 248. At the annual state election in each year in which by the laws of the United States electors of president and vice president are required to be appointed, there shall be chosen by the voters of the entire Commonwealth, a number of electors of president and vice president equal to the whole number of senators and representatives to which the Commonwealth is entitled in congress.

Representatives
in congress.
1890, 423, §165.

SECTION 249. At the annual state election in the year eighteen hundred and ninety-four, and in every second year thereafter, there shall be chosen by the voters in each

congressional district of the Commonwealth, a representative in the congress of the United States.

SECTION 250. At the annual state election in the year eighteen hundred and ninety-five, and in every third year thereafter, there shall be chosen by the voters in each of the districts into which the Commonwealth is divided for the administration of the criminal law, a district attorney, who shall be a resident within the district for which he is chosen.

District attorneys.
1890, 423, §189.

SECTION 251. At the annual state election in the year eighteen hundred and ninety-six, and in every fifth year thereafter, there shall be chosen by the voters in the county of Suffolk, a clerk of the supreme judicial court for said county, and two clerks of the superior court for said county, one for the civil business and one for criminal business; and by the voters in each of the other counties, there shall be chosen a clerk of the courts for the county, who shall act as clerk of the supreme judicial court, of the superior court, and of the county commissioners.

Clerks of the courts.
1890, 423, §190.

SECTION 252. At the annual state election in the year eighteen hundred and ninety-three, and in every fifth year thereafter, there shall be chosen by the voters of each county, a register of probate and insolvency for the county.

Registers of probate and insolvency.
1890, 423, §§191, 192.

SECTION 253. At the annual state election in the year eighteen hundred and ninety-four, and in every third year thereafter, there shall be chosen by the voters of each district for the registry of deeds, and of each county not divided into districts for such purpose, a register of deeds for such district or county, who shall be a resident within the district or county for which he is chosen.

Registers of deeds.
1890, 423, §196.

SECTION 254. At the annual state election in the year eighteen hundred and ninety-five, and in every third year thereafter, there shall be chosen by the voters of the county of Worcester, four commissioners of insolvency, and by the voters of each of the other counties, three commissioners of insolvency.

Commissioners of insolvency.
1890, 423, §192.

SECTION 255. At the annual state election in each year there shall be chosen by the voters of the county of Middlesex and of the city of Chelsea and the towns of Revere and Winthrop, one county commissioner for said county, city and towns, and by the voters of each of the other counties, except the counties of Suffolk and Nantucket, one county commissioner for the county.

County commissioners.
1890, 423, §§193, 194, 195.

Special com-
missioners.

At the annual state election in the year eighteen hundred and ninety-five, and in every third year thereafter, there shall likewise be chosen by the voters of the county of Middlesex and of the city of Chelsea and the towns of Revere and Winthrop, two special commissioners for said county, city and towns, and by the voters of each of the other counties, except the counties of Suffolk and Nantucket, two special commissioners for the county.

Not more than
one commis-
sioner from
same place.

Not more than one of the county commissioners and special commissioners shall be chosen from the same city or town. If at any election two persons residing within the same city or town shall receive a plurality of votes, whereby otherwise one would be elected a county commissioner and the other a special commissioner, or both would be elected to either office, the one only who receives the larger number of votes shall be deemed and taken to be elected; but if both shall receive an equal number of votes, neither of them shall be deemed and taken to be elected. If a person, residing in a city or town in which a county commissioner or a special commissioner who is to remain in office also resides, shall receive a plurality of votes, whereby he otherwise would be elected, he shall not be deemed and taken to be elected. If the person receiving the highest number of votes for county commissioner or special commissioner is taken not to be elected, by reason of the above provisions, the person receiving the next highest number of votes for the office, residing in another city or town, shall be taken to be elected to the office, except that in case two persons residing in the same city or town receive an equal number of votes for the same office and are taken not to be elected, then no person shall be taken to be elected to the office.

Number of
county commis-
sioners.

There shall be three county commissioners in each county, except the counties of Suffolk and Nantucket.

Sheriffs.
1890, 423, §192.

SECTION 256. At the annual state election in the year eighteen hundred and ninety-five, and in every third year thereafter, there shall be chosen by the voters in each county, a sheriff for the county.

County treas-
urers.
1890, 423, §196.

SECTION 257. At the annual state election in the year eighteen hundred and ninety-four, and in every third year thereafter, there shall be chosen by the voters in each county, except the counties of Suffolk and Nantucket, a county treasurer, who shall be a resident within the county for which he is chosen.

SECTION 258. District attorneys, registers of deeds, commissioners of insolvency, county commissioners, special commissioners, sheriffs and county treasurers shall hold their several offices for terms of three years, beginning with the first Wednesday of January in the year succeeding their respective elections in accordance with the provisions of the preceding sections of this title, and until their respective successors are chosen and qualified.

Terms of office.
1890, 423, §§188-
194, 196; 1892,
115, §3.

Clerks of the courts and registers of probate and insolvency shall hold their several offices for terms of five years, beginning with the first Wednesday of January in the year succeeding their respective elections in accordance with the provisions of the preceding sections, and until their respective successors are chosen and qualified.

The persons now holding the aforesaid offices shall continue to hold such offices during the terms for which they have been respectively chosen, and until their respective successors are chosen and qualified, unless sooner removed as provided by law.

TITLE X.

1. PROVISIONS APPLICABLE TO TOWN MEETINGS.

SECTION 259. The annual meeting of each town shall be held in February, March or April; and other meetings may be held at such times as the selectmen may order. Meetings may be adjourned from time to time, and to any place within the town.

Town meetings,
time, adjourn-
ments.
1890, 423, §209.

SECTION 260. Every meeting in a town for the election of state officers, and every other town meeting, except as hereinafter provided, shall be held in pursuance of a warrant, under the hands of the selectmen, directed to the constables or to some other persons appointed by the selectmen for the purpose, who shall forthwith notify such meeting in the manner prescribed by the by-laws, or, if there are no by-laws, by a vote of the town. The warrant shall express the time and place of the meeting and the subjects to be there acted upon, and the selectmen shall insert in the warrant all subjects which may, in writing, be requested of them by any ten or more voters of the town. Nothing acted upon at such meeting shall have a legal operation unless the subject-matter thereof is contained in the warrant. The selectmen may by the same warrant call two or more distinct town meetings for distinct purposes.

Warrants,
notification.
1890, 423, §§210,
211.

contents; ac-
tion on subjects
not contained
therein; may in-
clude two or
more meetings.

Warrants, in case of vacancy in office of selectmen.
1890, 423, §213.

SECTION 261. If by reason of death, resignation or removal from a town, a majority of the selectmen shall vacate their offices, or if the full number shall fail to be elected or omit to be qualified according to law, the selectmen or selectman remaining or being in office may call a town meeting.

justice of the peace may issue, etc.
1890, 423, §212.

SECTION 262. If the selectmen unreasonably refuse to call a town meeting, a justice of the peace, upon the application of ten or more legal voters of the town, may call such meeting by a warrant under his hand directed to the constables of the town, if there are any, or, if there is no constable, then to any of the persons applying therefor, directing them to summon the inhabitants, qualified to vote in town affairs, to assemble at the time and place and for the purposes expressed in the warrant.

Moderator, election, etc.
1890, 423, §§214, 215, 216.

SECTION 263. At every town meeting, except for the election of state officers, a moderator shall first be chosen. During the election of a moderator, the town clerk, if present, shall preside, but if he is absent, or, if there is no town clerk, the chairman or senior member present of the selectmen shall preside, and if neither the town clerk nor a selectman is present, the justice of the peace calling such meeting, if the meeting is so called, shall preside. A town clerk, selectman or justice of the peace, when so presiding, shall have the powers and perform the duties of a moderator. The voting list shall be used in the election of a moderator at every meeting held for the election of town officers.

voting list, use of.

general powers and duties.
1890, 423, §217.

SECTION 264. The moderator, when elected at a town meeting, shall preside at the meeting, may in open meeting administer the oath of office to any town officer chosen thereat, shall regulate the business and proceedings of the meeting, decide all questions of order, and make public declaration of all votes passed. When a vote so declared by him is immediately questioned by seven or more of the voters present, he shall verify the vote by polling the voters or by dividing the meeting, unless the town has by a previous order or by its by-laws otherwise provided.

when vote is questioned.

in case of persons speaking disorderly conduct, etc.
1890, 423, §§218, 220.

SECTION 265. No person shall address a town meeting without leave of the moderator, nor while another person is speaking by permission of the moderator; and all persons shall at the request of the moderator be silent. If a person behaves in a disorderly manner, and, after notice from the moderator, persists in such behavior, the mod-

erator may order him to withdraw from the meeting ; and if he refuses or fails to withdraw, may order a constable or any other person to remove him from the meeting and confine him in some convenient place until the meeting is adjourned.

2. ELECTION OF TOWN OFFICERS.

SECTION 266. Every town at its annual meeting shall in every year, except as is otherwise provided in sections two hundred and sixty-seven, two hundred and sixty-eight, two hundred and sixty-nine, two hundred and seventy-one and two hundred and seventy-two of this title, choose from the inhabitants thereof the following named town officers who shall, unless so otherwise provided, serve during the year : —

Officers, etc., to be elected.
P. S. 27, §78;
44, §21; 1886,
150; 1888, 221,
§1; 1893, 304, §1.

A town clerk ;

Three, five, seven or nine selectmen ;

Three or more assessors ; and, if the town shall vote so to do, three or more assistant assessors ;

Three or more overseers of the poor ;

A town treasurer, whom the town may at any meeting appoint collector of taxes ;

One or more collectors of taxes, if the town shall vote so to do ;

One or more auditors ;

One or more surveyors of highways ;

A road commissioner, if the town has provided for the election of road commissioners ;

A sewer commissioner, if the town has provided for the election of sewer commissioners ;

One or more constables, who shall also be collectors of taxes, unless other persons are specially chosen or appointed collectors of taxes ;

Two or more field drivers ;

Two or more fence viewers ; and all other usual town officers.

The town shall likewise at its annual meeting or at a meeting held in the same month in which the annual meeting occurs, choose members of the school committee, in accordance with the provisions of law ; and the town shall at the annual meeting choose such other officers as are then required by law to be chosen.

In the choice of overseers of the poor no person shall be ineligible for the office by reason of sex.

overseers of the poor, sex.

A person chosen auditor shall hold no other town office.

auditor, not to hold other office.

Selectmen, election of, for three years.
P. S. 27, §64.

SECTION 267. A town which, previous to the passage of this act, has accepted the provisions of any statute authorizing the election of its selectmen in substantially the following manner, or which shall hereafter at an annual meeting or at a meeting held in accordance with the provisions of section two hundred and ninety-four of this title, accept the provisions of this section, and which has not or shall not have revoked such acceptance, shall elect its selectmen in the following manner:—

If the number of selectmen is fixed by the town to be three, the town shall at the annual meeting, when such acceptance is voted, or at the annual meeting next succeeding the meeting at which such acceptance is voted, elect one selectman for the term of one year, one selectman for the term of two years, and one selectman for the term of three years; and at each annual meeting thereafter shall elect one selectman for the term of three years. If the number of selectmen is required to be five, the town shall at such annual meeting elect one selectman for the term of one year, two selectmen for terms of two years, and two selectmen for terms of three years; and at the annual meeting in each year thereafter, it shall elect one or two selectmen to serve for terms of three years accordingly as the term of office of one or two expires in the year. If the number of selectmen is required to be seven, the town shall at such annual meeting elect two selectmen for terms of one year, two selectmen for terms of two years, and three selectmen for terms of three years; and at the annual meeting in each year thereafter, it shall elect two or three selectmen to serve for terms of three years accordingly as the term of office of two or three expires in the year. If the number of selectmen is required to be nine, the town shall at such annual meeting elect three selectmen for terms of one year, three selectmen for terms of two years, and three selectmen for terms of three years; and at the annual meeting in each year thereafter it shall elect three selectmen to serve for terms of three years.

Assessors, election for two or three years.
1883, 203, §1.

SECTION 268. A town which, previous to the passage of this act, has accepted the provisions of any statute authorizing the election of its assessors in substantially the following manner, or which shall hereafter at an annual meeting or at a meeting held in accordance with the provisions of section two hundred and ninety-four of this title,

accept the provisions of this section, and which has not or shall not have revoked such acceptance, shall elect its assessors in the following manner:—

If the number of assessors is fixed by the town to be three, the town shall at the annual meeting when such acceptance is voted, or at the annual meeting next succeeding the meeting at which such acceptance is voted, elect one assessor for the term of one year, one assessor for the term of two years, and one assessor for the term of three years; and at each annual meeting thereafter it shall elect one assessor for the term of three years. If the number of assessors is required to be five, the town shall at such annual meeting elect one assessor for the term of one year, two assessors for terms of two years, and two assessors for terms of three years; and at the annual meeting in each year thereafter it shall elect one or two assessors to serve for terms of three years accordingly as the term of office of one or two expires in the year. If the number of assessors is required to be seven, the town shall at such annual meeting elect two assessors for terms of one year, two assessors for terms of two years, and three assessors for terms of three years; and at the annual meeting in each year thereafter it shall elect two or three assessors to serve for terms of three years accordingly as the term of office of two or three expires in the year. If the number of assessors is required to be nine, the town shall at such annual meeting elect three assessors for terms of one year, three assessors for terms of two years, and three assessors for terms of three years; and at the annual meeting in each year thereafter it shall elect three assessors to serve for terms of three years. If the number of assessors is required to be four, the town shall at such annual meeting elect two assessors for terms of one year, and two assessors for terms of two years; and at the annual meeting in each year thereafter it shall elect two assessors to serve for terms of two years.

Assessors, election for two or three years.

SECTION 269. A town which, previous to the passage of this act, has accepted the provisions of any statute authorizing the election of its overseers of the poor in substantially the following manner, or which shall hereafter at an annual meeting or at a meeting held in accordance with the provisions of section two hundred and ninety-four of this title, accept the provisions of this section, and which has not or shall not have revoked such acceptance,

Overseers of the poor, election for three years. 1883, 203, §2.

shall elect its overseers of the poor in the following manner :—

Overseers of the poor, election for three years.

If the number of overseers of the poor is fixed by the town to be three, the town shall at the annual meeting when such acceptance is voted, or at the annual meeting next succeeding the meeting at which such acceptance is voted, elect one overseer of the poor for the term of one year, one overseer of the poor for the term of two years, and one overseer of the poor for the term of three years; and at each annual meeting thereafter it shall elect one overseer of the poor for the term of three years. If the number of overseers of the poor is required to be five, the town shall at such annual meeting elect one overseer of the poor for the term of one year, two overseers of the poor for terms of two years, and two overseers of the poor for terms of three years; and at the annual meeting in each year thereafter it shall elect one or two overseers of the poor to serve for terms of three years accordingly as the term of office of one or two expires in the year. If the number of overseers of the poor is required to be seven, the town shall at such annual meeting elect two overseers of the poor for terms of one year, two overseers of the poor for terms of two years, and three overseers of the poor for terms of three years; and at the annual meeting in each year thereafter it shall elect two or three overseers of the poor to serve for terms of three years accordingly as the term of office of two or three expires in the year. If the number of overseers of the poor is required to be nine, the town shall at such annual meeting elect three overseers of the poor for terms of one year, three overseers of the poor for terms of two years, and three overseers of the poor for terms of three years; and at the annual meeting in each year thereafter it shall elect three overseers of the poor to serve for terms of three years.

Selectmen, assessors, overseers of the poor, change in number. P. S. 27, §§66, 68, 73.

SECTION 270. A town which votes at an annual meeting to increase or diminish the number of its selectmen, assessors, or overseers of the poor, may at that meeting or at any annual meeting thereafter elect one or more of such officers additional, or omit to elect one or more of such officers, so as to bring the number to the limit fixed by the vote of the town, with terms of office expiring in the manner provided in the preceding three sections; but no action shall be taken so as to prevent the election of at least one selectman, assessor and overseer in every year.

A town which has by vote accepted the provisions of any of the preceding three sections or of any statute therein referred to, may at any subsequent annual meeting revoke such acceptance, and thereupon the provisions of any such section or statute so accepted shall cease to be operative in such town, except that such revocation shall not affect the term of office of any selectman, assessor or overseer chosen thereunder.

Selectmen, assessors, overseers of the poor, change in terms of office.

SECTION 271. A town which, previous to the passage of this act, has accepted the provisions of any statute permitting the election of road commissioners, or which shall hereafter at an annual meeting or at any meeting held in accordance with the provisions of section two hundred and ninety-four of this title, accept the provisions of this section, and which has not or shall not have revoked such acceptance, shall elect road commissioners in the following manner:—

Road commissioners.
P. S. 27, §74.

The town shall, at the annual meeting when such acceptance is voted, or at the next annual meeting after such acceptance is voted, elect one commissioner for the term of one year, one commissioner for the term of two years, and one commissioner for the term of three years; and at each annual meeting thereafter it shall elect one road commissioner for the term of three years.

election for three years.

A town which has by vote accepted the provisions of this section or of any statute herein referred to, may at a subsequent annual meeting revoke such acceptance, and thereupon the provisions of this section or any statute so accepted shall cease to be operative in such town, and the offices of road commissioners shall be taken to be abolished.

abolition of office.

SECTION 272. A town which shall hereafter at an annual meeting or at any meeting held in accordance with the provisions of section two hundred and ninety-four of this title, accept the provisions of this section, and which has not or shall not have revoked such acceptance, shall elect sewer commissioners in the following manner:—

Sewer commissioners.
1893, 304, §1.

The town shall, at the annual meeting when such acceptance is voted, or at the next annual meeting after such acceptance is voted, elect one sewer commissioner for the term of one year, one sewer commissioner for the term of two years, and one sewer commissioner for the term of three years; and at each annual meeting thereafter it shall elect one sewer commissioner for the term of three years.

election for three years.

Sewer commis-
sioners, aboli-
tion of office.

A town which has by vote accepted the provisions of this section, may at a subsequent annual meeting revoke such acceptance, and thereupon the provisions of this section shall cease to be operative in such town, and the offices of sewer commissioners shall be taken to be abolished.

Moderator,
election of, in
certain cases,
ballots.
P. S. 27, §80;
1893, 177, §1.

SECTION 273. The election of a moderator at a meeting for the choice of town officers shall be by ballot. If in a town the number of registered voters at the close of the last day for registration preceding the annual town meeting therein, shall exceed five hundred, no person shall print and no person shall distribute for use at the election of moderator at such meeting any ballots unless they shall be of plain white paper, in weight not less than that of ordinary printing paper; shall be not less than five and one half inches nor more than six inches in length, and not less than three and one half inches nor more than four inches in width; shall contain no printing, engraving, device, or mark of any kind upon the back thereof, and, if printed, shall be printed in black ink with the name of the candidate for moderator in a line parallel with the length of the ballot, and in capital letters not less than one eighth of an inch nor more than one quarter of an inch in height. No election officer shall however refuse to receive or to count a ballot for moderator because the same is not in conformity with requirements as above provided.

Town officers,
manner of
election.
P. S. 27, §§74,
80; 44, §21;
1883, 203, §2;
1889, 191; 1890,
423, §216; 1893,
304, §1.

SECTION 274. The election of town clerk, selectmen, assessors, overseers of the poor, town treasurer, auditor, collector of taxes, constables, road commissioners, sewer commissioners, and school committee shall be by ballot; and the election of all other town officers shall be in such manner as the town may determine, unless, in any case it shall be otherwise provided by law. A town which chooses its assessors or overseers of the poor for terms of one year, may however instead of electing assessors or overseers of the poor by ballot, provide by vote, previous to making choice of such officers, that the persons to be elected selectmen shall act also as assessors or as overseers of the poor, or in both such capacities. Such vote shall in any town, in which ballots are provided at the expense of the town, be passed at a meeting held thirty days at least previous to the annual meeting at which the selectmen are so to be chosen.

SECTION 275. The voting list shall be used and the name of every person voting shall be checked thereon, in the election of all town officers, whose election is by law required to be by ballot, and in taking the vote upon the question of granting licenses for the sale of intoxicating liquors in the town; but in the election of other town officers the voting list shall or shall not be so used, as the meeting shall by vote determine.

When voting list is to be used, 1890, 423, §216.

SECTION 276. Whenever the town clerk, selectmen, assessors, treasurer, collector of taxes and school committee are voted for in a town on one ballot, the moderator of the town meeting shall cause all the ballots cast for such officers, after they have been duly canvassed and counted, and record thereof has been made, publicly to be enclosed in envelopes, and the envelopes to be sealed and endorsed, and certificate to be made thereon, in the same manner as is required by the provisions of section one hundred and seventy-four of this act, in the case of elections of town officers for which ballots are provided at the expense of the town.

Ballots, to be sealed up, endorsed, etc.

If, within the two days next succeeding the day of an election in which all of said officers are voted for on one ballot, as aforesaid, ten or more qualified voters of the town shall file with the town clerk a statement in writing, that they have reason to believe that an error was made in ascertaining or declaring the result of such election, as provided in section two hundred and eight of this act, the moderator shall open the envelopes containing the ballots cast, and determine the questions raised in such statement; and in case it shall appear that a person was elected other than the person declared in town meeting to have been elected, the moderator shall make and file a certificate of such fact, and the town clerk shall record the same and deliver copies thereof to the persons affected thereby, and all other proceedings shall be had the same as in the case in which a statement is filed under the provisions of said section two hundred and eight.

recounting, etc.

record, notices, etc.

SECTION 277. A person elected town clerk of a town, if present at the meeting at which he is chosen, shall forthwith be sworn, either by the moderator or by a justice of the peace, and shall at once enter upon the discharge of his duties. Every other town officer designated by name in section two hundred and sixty-six of this act, unless other provision is specifically made by law or otherwise,

Town clerk, oath, term of office, etc. P. S. 27, §78.

Town officers, term of office, etc.

shall enter upon the discharge of his duties on the day succeeding his election or as soon thereafter as he is duly qualified, and his term of office shall be reckoned as beginning on the day succeeding the date fixed for the annual meeting in such town. Every such officer shall hold office during the term fixed by law and until another person is chosen and qualified in his stead.

Town officers,
oath of office.
P. S. 27, §§79,
87, 88.

SECTION 278. All the town officers designated by name in section two hundred and sixty-six of this act, shall, before entering upon the performance of their duties, severally be sworn to the faithful discharge of their respective duties. Such oath may be administered by the moderator in open town meeting, or by the town clerk. The town clerk shall forthwith after the election or appointment of town officers, who are by law required to take an oath of office, make out a list containing the names of all persons chosen as such officers not sworn by him or by the moderator, and the designation of the office to which each is chosen, and shall deliver such list with his warrant to a constable requiring him within three days to summon each such person to appear and take the oath of office within seven days after the service of such notice; and the constable shall within the seven days serve every such warrant in accordance with its requirements and make return thereof to the town clerk. The person so chosen and summoned, unless exempt by law from holding the office to which he has been chosen, shall within the seven days, as so required, take the oath of office before the town clerk, or within that period take such oath before a justice of the peace, and file with the town clerk a certificate thereof under the hand of such justice.

town clerk to
notify, etc.

to take oath
within seven
days, etc.

Exemption from
liability to hold
office.
P. S. 27, §§94,
126.

SECTION 279. No person shall be obliged to serve two years successively in the same town office; and no person shall be obliged to accept the office of constable who holds a commission as an officer of the United States or of the Commonwealth, who is a member of the council, senate or house of representatives of the Commonwealth, or who is a minister of the gospel, or who is an engineman, or a member of the fire department, or who has been a constable or collector of taxes in the town within seven years next preceding. No person shall be obliged to serve in the office of surveyor of highways oftener than once in three years.

Depositing of
certain ballots.
1890, 423, §§221,
224.

SECTION 280. At any meeting for the choice of town officers in a town which has not provided ballots at the ex-

pense of the town, in accordance with the provisions of this act, no ballot shall be received by the moderator unless the same is presented for deposit in the ballot box, open and unfolded, by the voter in person, and so that the moderator can know that only one ballot is presented. No moderator or other election officer shall at any such meeting, before the polls are closed, or the ballots are counted, and without the consent of the voter, read or examine, or permit to be read or examined, the names contained upon the voter's ballot with a view to ascertaining the name of any candidate voted for by him.

Ballots, reading, etc., before poll is closed prohibited.

SECTION 281. The moderator of a town meeting shall receive the votes of all persons whose names are on the voting lists, as certified by the registrars of voters, and shall not be answerable for refusing the vote of a person whose name is not on such list, unless such person presents a certificate from the registrars of voters as provided by section sixty-six of this act.

Moderator to receive votes of registered voters.
1890, 423, §223.

SECTION 282. The secretary of the Commonwealth shall send, seven days at least previous to the annual meeting, to the town clerk of each town which has not voted that ballots for town officers shall be provided at the expense of the town, in accordance with the provisions of this act, ballots both affirmative and negative for taking the vote upon the question of granting licenses for the sale of intoxicating liquors therein. Such ballots shall contain the words "Shall licenses be granted for the sale of intoxicating liquors in this town? Yes. (or) No.", and no other words, and may be of such form and size as the secretary shall deem proper. Ballots of each kind shall be provided in number equal at least to the number of registered voters in such town. The ballots so furnished shall be distributed to the voters at the polling place under the direction of the town clerk.

Ballots, for voting on granting liquor licenses.
P. S. 100, §5;
1890, 423, §§81, 83.

distribution.

SECTION 283. All ballots cast by women qualified to vote for school committee in a town which has not provided ballots at the expense of the town, in accordance with the provisions of this act, shall contain the words "For School Committee only", clearly written, printed or stamped upon the back thereof; and no ballot, unless so endorsed, shall be received from any woman voting. Ballots containing such endorsement shall be counted only in the choice of members of the school committee, and for no other office or purpose.

for women voting for school committee.
1890, 423, §225.

counting.

3. PROCEEDINGS IN CASES OF FAILURE TO ELECT AND VACANCIES IN TOWN OFFICES.

Vacancies, how filled, election, etc.
P. S. 27, §93;
1890, 386, §15;
1891, 336, §1.

SECTION 284. If there is a failure at an election to choose a town officer, or if a person so chosen to a town office shall not accept such office, or a vacancy shall occur in a town office, the town may, except as otherwise provided in section two hundred and eighty-seven, elect a person to such office or fill such vacancy at any legal meeting called and held in accordance with the provisions of this act.

when ballots are provided by town, nomination, election, etc.

If at an election of town officers for which ballots are provided at the expense of the town, there is a failure to elect a town officer, such officer may be elected at an adjourned or succeeding meeting; and for such meeting ballots shall be prepared and furnished, containing such nominations as have already been made and which subsequently may be duly made for the office, in accordance with the provisions of this act, for the making of nominations and the providing of ballots in town elections.

town clerk, pro tempore, election.
P. S. 27, §§97, 98.

SECTION 285. If at a town meeting there is a vacancy in the office of town clerk, or if the town clerk is absent, the selectmen shall call upon the qualified voters present to elect by ballot a clerk pro tempore. The selectmen shall receive and count the votes and declare the election of such clerk. When, in case of a vacancy in the office of town clerk, other duties than those required of a town clerk at a town meeting are to be performed, or whenever the town clerk is unable to perform such duties, the selectmen may in writing under their hands appoint a clerk for the performance thereof. A clerk so elected or appointed shall be sworn to the faithful discharge of the duties for which he is chosen, and shall, in the performance of such duties, have the same powers and be subject to the same requirements and penalties as the town clerk in respect thereto, and he shall immediately after entering upon the duties of his office, make a record of his election or appointment, as the case may be.

appointment.

oath of office, powers, duties, etc.

constable, election, etc.
P. S. 27, §81.

SECTION 286. Every person chosen constable at a town meeting shall, if present, forthwith declare his acceptance or refusal of his office. If he does not accept the office, the town shall, in case the ballots are not provided at such election at the expense of the town in accordance with the provisions of this act, proceed to elect another per-

son to the office, and continue so to elect until some person accepts the office and takes the oath therefor.

SECTION 287. If the assessors of a town, or, in case there are no assessors, if the selectmen shall in any year fail to perform the duties of assessors, the county commissioners of the county in which such town is situated, may appoint three or more suitable persons, inhabitants of the county, to be assessors for such town. The persons so appointed shall be sworn to the faithful discharge of their duties, shall hold office for the remainder of the term of assessors, and shall have the powers, perform the duties, and receive the compensation of assessors for the town.

Vacancies,
assessors,
appointment.
P. S. 27, §84.

oath of office,
powers, duties,
etc.

SECTION 288. Whenever the office of treasurer or collector of taxes is vacant, and whenever the treasurer or collector is prevented from performing the duties of his office, the selectmen may by a writing under their hands appoint a treasurer or collector pro tempore, who shall be sworn and give bond in like manner as the treasurer or collector chosen by the town, and he shall hold such office until another is chosen by the town and qualified, or the disability of the treasurer or collector is removed. If a treasurer or collector shall for ten days after his election or appointment fail to give bond as required by law, the selectmen may declare the office vacant and appoint another in his place as above provided.

treasurer or
collector,
appointment,
etc.
P. S. 27, §§90,
91, 92.

SECTION 289. If the office of an auditor in a town shall become vacant, the remaining auditor or auditors, if any, may perform all duties of the office and may appoint a person to aid in the performance thereof. If however there is no remaining auditor, the selectmen of the town shall appoint a person duly qualified to fill the office of auditor, until another is chosen by the town and qualified.

auditor,
appointment.
1890, 254.

SECTION 290. If from any cause there is a failure to elect or a vacancy occurs in any town office, other than the offices of selectman, town clerk, assessor, treasurer, collector of taxes and auditor, the selectmen shall, by an appointment in writing signed by them, fill such vacancy, and the person so appointed shall perform the duties of such office until the next annual meeting or until another is chosen by the town and qualified in his stead; except that, if such vacancy occurs in a board consisting of two or more officers, the remaining member or members of such board, shall, in writing, give notice of the vacancy to the selectmen of the town, and thereupon the

certain
officers, ap-
pointment,
election, etc.
P. S. 27, §86;
1891, 336, §1.

selectmen and such remaining member or members shall, after giving public notice of at least one week, proceed by ballot to fill such vacancy, and a majority of the ballots of the officers entitled to vote shall be necessary to such election; and the person so elected shall perform the duties of the office until the next annual meeting or until another is chosen by the town and qualified in his stead.

Vacancies,
removal from
town.
P. S. 27, §89.

SECTION 291. A person removing from a town in which he holds a town office, shall thereby be taken to vacate such office.

proceedings at
election.
1891, 336, §2.

SECTION 292. When an election is held in consequence of a failure to elect in a preceding election, or to fill a vacancy in any town office, in accordance with the provisions of the preceding sections of this title, proceedings shall be had similar in all respects, so far as applicable, to those had in an election to the same office at the annual meeting. The provisions as to the qualifications of a person for any such office, which are applicable in the case of an original election, shall apply to every person elected or appointed to fill a vacancy in such office; and each person so elected or appointed shall perform the same duties and have and exercise all the powers and be subject to all the requirements and penalties which by law pertain to such office.

qualifications,
powers, duties,
etc., of new
officers.

4. TOWN ELECTIONS FOR WHICH BALLOTS ARE PROVIDED AT THE EXPENSE OF THE TOWN.

Towns voting to
provide ballots,
nomination,
election, etc.
1890, 386, §1.

SECTION 293. In towns which have accepted the provisions of chapter three hundred and eighty-six of the acts of the year eighteen hundred and ninety, and in towns which shall, after the passage of this act, at meetings duly called for the purpose, vote that ballots for town officers therein shall be provided at the expense of the town, nominations for town officers to be elected by ballot shall be made, ballots and other apparatus therefor shall be prepared and furnished, and elections of all such officers shall be conducted in accordance with the provisions of the preceding titles of this act, so far as the same shall be applicable thereto.

revocation of
action, etc.
1893, 87.

A town which has so accepted the provisions of said chapter three hundred and eighty-six, or has so voted that ballots be provided at the expense of the town, may how-

ever at any annual town meeting or other meeting called for the purpose and held thirty days at least before the annual town meeting, upon notice duly given in the warrant therefor, revoke such action by the affirmative vote of two thirds of the voters present and voting thereon; and after a meeting at which such acceptance or vote has been revoked, town elections shall be held in such town and all things shall be done in the election of town officers as if said chapter had not been accepted or the town had not so voted that ballots be provided at the expense of the town.

SECTION 294. Whenever a town, in accordance with the provisions of the preceding section, shall vote that ballots for the election of town officers therein shall be provided at the expense of the town, the town shall at the same meeting determine what town officers, if any, not already required by law to be chosen by ballot, shall thereafter be so chosen, and also, if in any case the number of officers such as are to be chosen by ballot or their terms of office are not already fixed by law, shall determine such number and terms; and for the purpose of such determination, the town may at such meeting accept the provisions of any section of this act, changing the manner of election and terms of office of any such town officers. No new acceptance of any previous statute or of any such section of this act shall be required in any case in which an acceptance has already been made and not revoked; but all such matters, in order to be acted upon, shall be notified in the warrant for such meeting. No change shall thereafter be made in the officers to be chosen by ballot or in the number or terms of office thereof, except at a meeting held thirty days at least before the annual meeting at which such change is to become operative.

Towns voting to provide ballots, number and terms of officers chosen, etc.
1891, 10, §1.

to be notified in warrant, change in method of election.

TITLE XI.

1. PENALTIES IMPOSED UPON OFFICERS.

SECTION 295. An assessor or assistant assessor who knowingly enters on any list of assessed polls, or causes or allows to be entered thereon, the name of any person as a resident of a building, who is not a resident thereof, or who refuses or wilfully neglects to receive or transmit to the registrars of voters any request to be registered,

Penalties, on assessor or assistant assessor.
1892, 351, §41.

signed by a woman and offered to him at any building at which he is collecting names for assessment, shall for each offence be punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding six months, or by both such fine and imprisonment.

Penalties, on registrar or assistant registrar.
1892, 351, §42.

SECTION 296. A registrar or assistant registrar who refuses or wilfully neglects to require, in accordance with the provisions of section forty-eight of this act, an applicant for registration to read at least three lines, other than the title, from an official edition of the constitution of the Commonwealth, in such manner as to show that he is neither prompted nor reciting from memory, or to require, in accordance with the provisions of section forty-four of this act, an applicant for registration to write his name in the general register, unless he is prevented by physical disability from so doing, or to announce the name of an applicant for registration in a clear, audible and distinct tone of voice before entering his name upon the general register, or who knowingly prevents or seeks to prevent the registration of any legal voter, or who knowingly registers the name of any person not qualified to vote, or who is guilty of any fraud or corrupt conduct in the execution of the duties of his office, shall be punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding six months, or by both such fine and imprisonment.

on officer of caucus.
1888, 441, §5.

SECTION 297. An officer of a caucus, held in accordance with any of the provisions of title three of this act, who knowingly makes any false count of ballots or votes, or makes a false statement or declaration of the result of a ballot or vote, or knowingly refuses to receive any ballot cast by a person qualified to vote at such caucus, or wilfully alters, defaces or destroys any ballots cast, or voting lists used thereat, before the requirements of the provisions of this act have been accomplished, or declines or wilfully fails to receive any written request made as herein required, or declines or wilfully fails to perform any duty or obligation imposed by the provisions of this act, shall be punished by fine not exceeding one hundred dollars, or by imprisonment in jail not exceeding three months, or by both such fine and imprisonment.

on supervisor of election.
1891, 264, §1.

SECTION 298. A supervisor of an election, appointed in accordance with the provisions of section one hundred

and twenty of this act, who violates any of the provisions of said section, shall be punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

SECTION 299. An election officer who, before the public declaration of the vote at an election, makes any statement of the number of ballots cast, of the number of votes given for any person, of the name of any person who has voted, of the name of any person which has not been voted on, or of any other fact tending to show the state of the polls, shall be punished by fine not exceeding one hundred dollars, or by imprisonment in jail not exceeding thirty days, or by both such fine and imprisonment.

Penalties, on
election officer.
1890, 423, §124.

SECTION 300. A presiding officer at a state or city election, or at an election in a town for which ballots are provided at the expense of the town, who, when the right of a person offering to vote is challenged for any cause recognized by law, wilfully or negligently fails to require the name and residence of such person to be written upon the ballot offered by him, either by himself or by some one in his behalf, and to add thereto the name of the person so challenging and the cause assigned therefor, before such ballot is received, as required by section one hundred and seventy of this act, shall be punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

on presiding
officer.
1890, 423, §93.

SECTION 301. An election or other officer whose duty it is to recount the ballots cast at an election, who makes any statement or gives any information in regard to a ballot cast by a voter challenged at such election, except as required by law, shall be punished by fine not exceeding two hundred dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

on election or
other officer
recounting
ballots.
1892, 332, §2.

SECTION 302. A presiding officer, who, at a town election at which ballots are not provided at the expense of the town, before the polls are closed and without the consent of a voter, reads or examines, or permits to be read or examined, the names written on the ballot of such voter, with a view to ascertain the persons voted for by him, shall be punished by fine not exceeding one hundred

on presiding
officer at town
election.
1890, 423, §221.

dollars, or by imprisonment in jail not exceeding thirty days, or by both such fine and imprisonment.

Penalties,
on presiding
or other election
officer.
1890, 423, §99.

SECTION 303. A presiding or other election officer who wilfully or negligently violates any provision of section one hundred and seventy-four of this act, relating to the enclosing in envelopes, sealing, endorsing and delivering or transmitting of ballots and voting lists after the votes have been counted and recorded, shall be punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

on city or
town clerk.
1890, 423, §101.

SECTION 304. A city or town clerk who examines or permits to be examined, except as required by law, ballots cast at an election which are received and retained by him and subsequently destroyed in accordance with section one hundred and seventy-six of this act, shall be punished by fine not exceeding two hundred dollars.

on city or
town clerk.
1890, 423, §141.

SECTION 305. A city or town clerk who fails to make record of votes cast at an election and to make and transmit copies of any such record, as required by the provisions of this act, shall be punished by fine not exceeding two hundred dollars.

on city, town
or precinct
clerk.
1890, 423, §162.

SECTION 306. A city or town clerk or a precinct clerk who wilfully signs a certificate not in conformity with the result of an election as appearing by the records and copies of records of votes cast or by a recount of votes, shall be punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

on selectmen.
1890, 423, §161.

SECTION 307. A selectman who wilfully gives a certificate of election to a person voted for as representative in the general court, not in accordance with the declaration of the vote in open town meeting at the time of the election, or not in accordance with a recount of the votes, shall be punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

on public
officer or elec-
tion officer.
1889, 413, §30;
1890, 423, §§82,
119, 140, 169,
203; 1891, 328;
1892, 351, §43.

SECTION 308. Any public officer or election officer whatsoever, of the state or of a city or town, upon whom a duty is imposed by the provisions of this act, who refuses or wilfully neglects or wilfully fails to perform such duty, or who wilfully performs it contrary to law, or in such way as to hinder the objects of this act, shall for each

offence, if no other penalty is herein specifically imposed for such offence, be punished by fine not exceeding five hundred dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

2. PENALTIES IMPOSED UPON VOTERS.

SECTION 309. A voter who places any distinguishing mark upon his ballot shall be punished by fine not exceeding one hundred dollars, or by imprisonment in jail not exceeding six months, or by both such fine and imprisonment.

Penalties,
for placing
distinguishing
mark on ballot.
1889, 413, §27;
1892, 368.

SECTION 310. A voter who makes a false statement as to his inability to mark a ballot, or who, except for the purpose of obtaining assistance in accordance with the provisions of section one hundred and sixty-four of this act, allows his ballot to be seen by any person with an intention of letting it be known how he is about to vote, shall be punished by fine not exceeding one hundred dollars.

for making
false statement,
etc.
1889, 413, §27.

SECTION 311. Whoever at an election, knowing that he is not a qualified voter, wilfully votes thereat; whoever at an election votes more than once on his own name, his name having been registered more than once; whoever at an election votes in more than one voting precinct or town, his name having been registered in more than one voting precinct or town; whoever at an election, votes or attempts to vote upon any name other than his own, or knowingly casts or attempts to cast more than one ballot at one time of balloting, shall be punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

for illegal
voting or at-
tempting to vote.
1890, 423, §§129,
133, 219.

SECTION 312. Whoever wilfully gives a false answer to a presiding officer at an election shall be punished by fine not exceeding one hundred dollars.

for giving
false answer.
1890, 423, §135.

3. GENERAL PENALTIES.

SECTION 313. Whoever, being an inmate of a building, liable to be assessed for a poll tax, refuses or neglects to give his true name when inquired thereof by an assessor or assistant assessor, and whoever, being an owner or occupant of a building, refuses or neglects to give the full and true information within his knowledge relating

for refusal
to give true
name, informa-
tion, etc.
1892, 351, §46.

to all persons residing in such building, when inquired thereof by an assessor or assistant assessor, shall be punished by fine not exceeding one hundred dollars, or by imprisonment in jail not exceeding three months, or by both such fine and imprisonment.

Penalties, for giving name of non-resident. 1892, 351, §46.

SECTION 314. Whoever knowingly gives to an assessor or assistant assessor, for the purpose of the assessment of a poll tax, the name of any person as a resident of a building who is not a resident therein, shall be punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

for false affidavit, oath or certificate. 1892, 351, §44.

SECTION 315. Whoever knowingly or wilfully makes a false affidavit or takes a false oath, or signs a false certificate regarding the qualifications of any person for assessment or registration, shall be punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

for registering when not qualified, false representation, answer, etc. 1892, 351, §45.

SECTION 316. Whoever causes his name to be registered, knowing that he is not a qualified voter in the place where he is so registered, or falsely represents, or attempts to represent himself as another person before any registrar or assistant registrar, or gives a false answer to any registrar or assistant registrar, concerning any matter relating to the registration of a voter, or the right of any person to vote, or aids or abets any other person in doing any of the acts above-mentioned, shall be punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

for disorderly conduct, etc., at registration. 1892, 351, §47.

SECTION 317. Whoever refuses to obey the lawful orders or directions of a registrar or assistant registrar, or interrupts or disturbs the proceedings at any registration, shall be punished by fine not exceeding one hundred dollars.

for preventing or interfering with supervisor of registration, etc. 1892, 351, §44.

SECTION 318. Whoever prevents or interferes with, or aids or abets any person in preventing or interfering with any supervisor of registration in the discharge of his duty, shall be punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

for defacing or removing notice, voting

SECTION 319. Whoever wilfully defaces or removes any notice relating to the registration of voters, voting

list, or notice or warrant for an election, posted in a city or town, shall be punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

list, warrant,
etc.
1883, 156; 1892,
351, §44.

SECTION 320. Whoever votes at a caucus, held in accordance with any of the provisions of title three of this act, for the nomination of a candidate to be supported at a state, city or town election, or for the selection of delegates to a political convention, or for the appointment of a political committee, not being a legal voter in the ward of a city or the town or representative district, as the case may be, in and for which such caucus or meeting is held; whoever so votes, being such legal voter but not being included in the terms of the call under which such caucus or meeting is held; whoever so votes or attempts so to vote upon any name not his own; whoever so votes or attempts so to vote more than once at one balloting; whoever at such caucus or meeting knowingly casts or attempts to cast more than one ballot at one time of balloting, or more than the number of separate ballots allowed to each voter, if more than one ballot is allowed to be cast, shall be punished by fine not exceeding one hundred dollars, or by imprisonment in jail not exceeding three months, or by both such fine and imprisonment.

Penalties, for
illegal voting at
caucus.
1888, 441, §4;
1890, 423, §132.

SECTION 321. Whoever falsely makes or wilfully defaces or destroys any certificate of nomination or nomination paper, or any part thereof, or any letter of withdrawal made in accordance with the provisions of this act, or signs any such certificate or paper contrary to the provisions thereof, or files any certificate of nomination or nomination paper or letter of withdrawal, knowing the same or any part thereof to be falsely made, or suppresses any certificate of nomination or nomination paper, or any part thereof, which has been duly filed, shall be punished by fine not exceeding one thousand dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

for falsely
making, filing,
suppressing,
defacing, etc.,
certificate, nom-
ination paper
or letter.
1889, 413, §29.

SECTION 322. Whoever intentionally writes, prints, posts, or distributes, or causes to be written, printed, posted, or distributed, a circular or poster which is designed or tends to injure or defeat any candidate for nomination or election to any public office, by reflecting upon his personal character or political action, unless there

for writing,
printing, post-
ing, distribut-
ing, etc.,
anonymous
circulars, etc.
1890, 381.

appears upon such circular or poster in a conspicuous place either the names of the chairman and secretary, or the names of two officers at least of the political or other organization issuing the same, or the name and residence, with the street and number thereof, if any, of some voter of the Commonwealth, as responsible therefor, shall be punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding six months, or by both such fine and imprisonment.

Penalties, for
injuring or
destroying state
ballot box,
blanks or
apparatus.
1890, 423, §88;
1891, 328, §5.

SECTION 323. Whoever wilfully or maliciously injures or destroys a ballot box or any of the blank forms or apparatus furnished to a city or town in accordance with the provisions of sections one hundred and twenty-three and one hundred and twenty-four of this act, shall be punished by fine not exceeding five hundred dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

for refusal or
neglect to com-
ply with regula-
tions for use of
seals and ballot
boxes.
1890, 423, §94.

SECTION 324. Whoever refuses or wilfully neglects to comply with any regulation made by the board of aldermen of a city, or by the selectmen of a town, in regard to the use of seals and ballot-boxes, in accordance with the provisions of section one hundred and twenty-six of this act, shall be punished by fine not exceeding one hundred dollars, or by imprisonment in jail not exceeding six months, or by both such fine and imprisonment.

for prevent-
ing, hindering,
molesting, etc.,
supervisor of
elections.
1891, 264, §1.

SECTION 325. Whoever prevents a supervisor of elections, appointed in accordance with the provisions of section one hundred and twenty of this act, from doing any of the acts by said section authorized to be done, or hinders or molests any such supervisor in doing any such acts, and whoever aids or abets in preventing, hindering or molesting any such supervisor in doing any of such acts, shall be punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

for printing,
or distributing
distinguishing
ballots, etc.
1893, 177, §2.

SECTION 326. Whoever prints or distributes a ballot for use in the election of moderator at a town meeting in violation of the provisions of section two hundred and seventy-three of this act, shall be punished by fine not exceeding one hundred dollars, or by imprisonment in jail not exceeding sixty days, or by both such fine and imprisonment.

for defacing,
destroying, etc.,
lists, cards, bal-

SECTION 327. Whoever, before an election, wilfully defaces or destroys any list of candidates posted in accord-

ance with the provisions of this act, or, during an election, wilfully defaces, tears down, removes or destroys any card of instruction or specimen ballot printed or posted for the instruction of voters, or during an election, wilfully removes or destroys any of the supplies or conveniences furnished to enable a voter to prepare his ballot, shall be punished by fine not exceeding one hundred dollars.

lots, supplies,
etc.
1889, 413, §28.

SECTION 328. Whoever forges or falsely makes the official endorsement on any ballot, or wilfully destroys or defaces a ballot, or wilfully delays the delivery of any ballots, shall be punished by fine not exceeding one thousand dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

Penalties, for
forging, etc.,
endorsement,
destroying, etc.,
ballot, or delay-
ing delivery of
ballots.
1889, 413, §29.

SECTION 329. Whoever wilfully and without lawful authority hinders or delays a voter, when on his way to a polling place where an election is to be held, or while he is voting or attempting to vote, or aids or assists in any such obstruction or delay, shall be punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

for hindering
or delaying
voter.
1890, 423, §128.

SECTION 330. Whoever interferes or attempts to interfere with a voter when he is marking his ballot or is within the space enclosed by the guard rail, or endeavors to induce a voter, before he has voted, to show how he marks or has marked his ballot, shall be punished by fine not exceeding one hundred dollars.

for interfer-
ing with voter,
or inducing
voter to show
ballot.
1889, 413, §27.

SECTION 331. Whoever wilfully hinders the progress of voting at an election, shall be punished by fine not exceeding one hundred dollars.

for hindering
voting.
1889, 413, §28.

SECTION 332. Whoever aids or abets a person not legally qualified to vote at an election, in voting or attempting to vote, or aids or abets a person in voting or attempting to vote under a name other than his own, or in depositing or attempting to deposit more than one ballot at one time of balloting, shall be punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

for aiding or
abetting in ille-
gal voting.
1890, 423, §130,
134.

SECTION 333. Whoever places any mark against a name on a ballot not cast by himself, or places a distinguishing mark on any ballot not cast by himself, except as authorized by law, shall be punished by fine not exceeding one thousand dollars, or by imprisonment in jail not exceeding three years, or by both such fine and imprisonment.

for marking
ballot contrary
to law.
1892, 368.

Penalties, for
altering, de-
positing or
removing ballot
with intent to
cheat or de-
fraud.
1890, 423, §131.

SECTION 334. Whoever, with intent to cheat or defraud, alters a ballot cast at an election; whoever, with such intent, deposits a ballot in the ballot box used at an election, or in an envelope provided by law for the preservation of ballots cast at an election; and whoever, with such intent, removes a ballot from any such ballot box or envelope, shall be punished by fine not exceeding one thousand dollars, or by imprisonment in jail not exceeding three years, or by both such fine and imprisonment.

for removal of
ballot outside of
enclosed space.
1890, 413, §29.

SECTION 335. Whoever takes or removes a ballot outside of the space enclosed by the guard rail before the close of the polls, shall be punished by fine not exceeding one thousand dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

for employ-
ing, etc., certain
persons on day
of state elec-
tion.
1890, 423, §144.

SECTION 336. An owner, superintendent or overseer in any manufacturing, mechanical or mercantile establishment, who employs or permits to be employed any person therein on the day of a state election, in violation of the provisions of section seven of this act, shall be punished by fine not exceeding one hundred dollars.

for attempting
to influence
voters by
threats, etc.
1890, 423, §136.

SECTION 337. Whoever by threatening to discharge a person from his employment, or threatening to reduce the wages of a person, or by promising to give employment at higher wages to a person, attempts to influence a qualified voter to give or to withhold his vote at an election, shall be punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

for bribery at
elections.
1890, 423, §§136,
137.

SECTION 338. Whoever pays, gives, or bestows, or directly or indirectly promises any gift or reward to secure the vote of any person at an election, or to induce any voter to withhold his vote, shall be punished by fine not exceeding one thousand dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

for disorderly
conduct at elec-
tions.
1890, 423, §§138,
220.

SECTION 339. Whoever at an election behaves in a disorderly manner, and, after notice from the presiding officer, persists in such conduct and refuses to withdraw from the polling place, shall be punished by fine not exceeding one hundred dollars, or by imprisonment in jail not exceeding thirty days, or by both such fine and imprisonment.

for disobeying
orders of elec-
tion officers.
1890, 423, §128.

SECTION 340. Whoever wilfully disobeys any lawful command of an election officer, shall be punished by fine not exceeding one hundred dollars, or by imprisonment

in jail not exceeding thirty days, or by both such fine and imprisonment.

SECTION 341. Whoever, when ordered by the presiding officer of an election or meeting, to remove any pipe, cigar, cigarette or liquor, or to withdraw from the polling place, in accordance with the requirements of section one hundred and fifty-eight of this act, refuses or fails to obey such order, shall be punished by fine not exceeding twenty dollars.

Penalties, for not removing pipe, cigar, liquor, etc.
1890, 423, §139.

SECTION 342. Whoever, when a recount of votes at an election is had, makes any statement or gives any information in regard to a ballot cast by a challenged voter at such election, shall be punished by fine not exceeding two hundred dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

for giving information regarding challenged votes.
1892, 332, §2.

SECTION 343. Whoever refuses or wilfully neglects to comply with any regulation made, in accordance with the provisions of section two hundred and five of this act, by the board of aldermen of a city or by the selectmen of a town, in regard to the manner of receiving, counting and returning votes cast at an election, shall be punished by fine not exceeding one hundred dollars, or by imprisonment in jail not exceeding six months.

for refusal or neglect to comply with regulations for receiving, counting and returning votes.
1890, 423, §94.

SECTION 344. Whoever violates any of the provisions of sections two hundred and twenty-six, two hundred and twenty-seven, two hundred and twenty-eight, two hundred and thirty-one, two hundred and thirty-two, two hundred and thirty-six, two hundred and thirty-seven, two hundred and thirty-eight, two hundred and forty-two and two hundred and forty-four of this act, relating to corrupt practices in elections, shall be punished by fine not exceeding one thousand dollars; and whoever violates any of the provisions of sections two hundred and thirty-three, two hundred and thirty-four and two hundred and thirty-five of this act, shall be punished by fine not exceeding one thousand dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

for violation of provisions relating to corrupt practice in elections.
1892, 416, §22.

TITLE XII.

1. REPEAL OF FORMER STATUTES.

SECTION 345. Sections sixty-four, sixty-six, sixty-seven, sixty-eight, seventy, seventy-three, seventy-four, Repeal.

Repeal.

seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one, eighty-three, eighty-four, eighty-six, eighty-seven, eighty-nine, ninety, ninety-one, ninety-three, ninety-four, ninety-seven and ninety-eight, of chapter twenty-seven of the Public Statutes; chapter sixty of the acts of the year eighteen hundred and seventy-four; chapter two hundred and forty-six of the acts of the year eighteen hundred and seventy-six; chapter two hundred and forty-three of the acts of the year eighteen hundred and seventy-eight; sections one, two, three and four of chapter two hundred and twenty-five of the acts of the year eighteen hundred and eighty; chapter two hundred and twenty-one of the acts of the year eighteen hundred and eighty-one; chapter two hundred and three of the acts of the year eighteen hundred and eighty-three; chapter one hundred and fifty-nine of the acts of the year eighteen hundred and eighty-five; chapters four hundred and thirty-six, four hundred and thirty-seven and four hundred and forty-one of the acts of the year eighteen hundred and eighty-eight; chapters one hundred and ninety-one, three hundred and thirty-seven, four hundred and four and four hundred and thirteen of the acts of the year eighteen hundred and eighty-nine; chapters two hundred and fifty-four, three hundred and eighty-one, three hundred and eighty-six, three hundred and ninety-three, four hundred and twenty-three and four hundred and thirty-six of the acts of the year eighteen hundred and ninety; chapters ten, thirty-one, thirty-two, seventy-four, one hundred and fifty-five, two hundred and thirty-eight, two hundred and fifty-six, two hundred and sixty-four, two hundred and sixty-nine, two hundred and seventy, two hundred and seventy-eight, three hundred and five, three hundred and fourteen, three hundred and twenty-eight, three hundred and twenty-nine, three hundred and thirty-six and three hundred and ninety-five of the acts of the year eighteen hundred and ninety-one; chapters fifty-one, one hundred and fifteen, one hundred and twenty-four, one hundred and ninety, two hundred and twenty-four, two hundred and seventy-nine, three hundred and sixteen, three hundred and thirty-two, three hundred and fifty-one, three hundred and sixty-eight, four hundred and five, four hundred and six, four hundred and sixteen and four hundred and thirty-one of the acts of the year eighteen hundred and ninety-two; chapters thirty-nine, eighty-seven, one hundred and forty-six, one hun-

dred and seventy-seven, two hundred and nine, three hundred and four, three hundred and seven, three hundred and eight, three hundred and forty-nine, three hundred and fifty-one and three hundred and seventy-six of the acts of the year eighteen hundred and ninety-three; and all other acts and parts of acts inconsistent herewith, are hereby repealed.

Approved June 5, 1893.

AN ACT TO TERMINATE THE ENDOWMENT BUSINESS OF FRATERNAL BENEFICIARY CORPORATIONS.

Chap. 418

Be it enacted, etc., as follows:

SECTION 1. Every corporation organized or doing business under chapter four hundred and twenty-nine of the acts of the year eighteen hundred and eighty-eight, and acts in amendment thereof and in addition thereto, which has undertaken to pay to members or certificate holders, or to their families, benefits at the end of fixed periods of time, as provided for in section eight of said act, shall, upon the passage of this act, cease to do such endowment business, so-called; such corporation shall not levy or collect any further assessments in pursuance of said undertaking, and all authority for such business heretofore existing is hereby terminated.

Fraternal beneficiary corporations to terminate endowment business.

SECTION 2. Within thirty days of the passage of this act every such corporation shall make, under oath, to the insurance commissioner of the Commonwealth, such full report of its endowment business, membership, the number of certificate holders, and financial condition, as said commissioner may in his discretion require.

Report to be made.

SECTION 3. Upon the filing of said report with the insurance commissioner, or within ten days after the same is due, if unfurnished, he shall apply to a justice of the superior or the supreme judicial court for the appointment of a receiver and for such other proceedings in the case as may be in conformity with law. The said court shall have full power to make any and all orders and decrees necessary and proper for the closing up of said endowment business, according to the usual course of such proceedings in equity.

Application for appointment of receiver, etc.

Powers of court.

SECTION 4. Nothing in this act shall be construed to affect in any way the validity of any undertaking by a fraternal beneficiary corporation organized under said act, to pay death and disability benefits to certificate holders,

Not to affect payment of death and disability benefits, etc.

provided such undertaking is not so connected with the endowment business as to form a part thereof or be practically inseparable therefrom.

Not to affect validity of other proceedings, etc.

SECTION 5. Nothing in this act shall be construed to affect the validity of proceedings previously instituted for the closing up of the endowment business of any corporations organized under said act.

SECTION 6. This act shall take effect upon its passage.

Approved June 5, 1893.

Chap. 419 AN ACT RELATING TO THE DISPOSITION OF BAGGAGE RETAINED BY INNOLDERS OR REMAINING UNCLAIMED IN THEIR POSSESSION.

Be it enacted, etc., as follows:

Disposition of baggage in possession of innholders, etc.

SECTION 1. An innholder may, after retaining the same for one year from the time of departure of a guest from his inn, sell at public auction upon the premises of the inn, any trunks, carpet bags, valises, parcels, clothing, goods or other personal property of a guest which has been abandoned by such guest, or which such innholder retains by virtue of his lien upon the same for the unpaid board, lodging and other charges of such guest, notice of the time and place of sale being first given by posting the same in a conspicuous place in the office of the inn for four weeks prior to the date of such sale, and by publishing the same once a week for three successive weeks in some newspaper, if there is any, published in the city or town where the inn is situated, and if no newspaper is published in such city or town, then in some newspaper published in the county where the inn is situated, the first publication of such notice to be not less than twenty-one days before the day of sale, and by mailing a copy of such notice properly prepaid and duly registered and addressed to said guest at the place of residence registered by him in the register of such inn. Such notice shall contain a descriptive list of all such property, with all such specific marks as may serve to identify the same, and the name of such guest so far as known to such innholder.

Descriptive list, etc.

Disposition of proceeds of sale.

SECTION 2. The proceeds of every such sale, after deducting all reasonable charges and expenses incurred in the storage and sale of such property, shall be applied to the discharge of the lien of such innholder upon the same for the board, lodging and other charges of such guest, and

any proceeds remaining thereafter shall be paid to the treasurer of the Commonwealth for the use of the Commonwealth.

SECTION 3. If within three years after any such sale the owner of any such property makes claim to and proves his ownership thereof, the said proceeds, after deducting all reasonable charges and expenses, shall be paid over to him by the treasurer of the Commonwealth.

Balance of proceeds to be paid to owner, etc.

SECTION 4. This act shall take effect upon its passage.

Approved June 5, 1893.

AN ACT TO AUTHORIZE THE NEWTON AND BOSTON STREET RAILWAY COMPANY TO INCREASE ITS CAPITAL STOCK AND EXTEND ITS RAILWAY.

Chap. 420

Be it enacted, etc., as follows:

SECTION 1. The Newton and Boston Street Railway Company is hereby authorized to increase its capital stock to an amount which, together with the amount heretofore authorized, shall not exceed two hundred and fifty thousand dollars, for the purpose of extending its tracks upon such locations as may be granted to it under the provisions of this act, and also purchasing new equipment, constructing a power station, and acquiring real estate and other property to be used in connection with the operation of its railway. The total amount of stock issued shall not exceed thirty thousand dollars per mile of track.

Increase of capital stock.

SECTION 2. Said company may extend, maintain and operate its tracks in any street or location granted the said company by the mayor and aldermen of the city of Newton and the aldermen of Boston, to Oak square and to the junction of Beacon street and Chestnut Hill avenue, in that part of Boston known as Brighton, or the selectmen of the town of Wellesley, and also on land acquired by purchase or by lease, or on land over which a right of way has been or may be acquired by said company where such locations are necessary for the extension of its lines; and it may, for said purpose, construct its tracks over private land and hold the same by purchase or otherwise, but the proceedings for the taking of private property therefor shall be similar to those prescribed by general law in relation to railroads. Said company shall not cross the tracks of any steam railroad at grade without first obtaining the written consent of the board of railroad commis-

Extension, etc., of tracks.

Approval of grade crossings and locations in Boston.

sioners, nor shall locations be valid within the limits of said Boston until the same are approved by said board.

Purchase or lease of franchises, etc., of other railway corporations.

SECTION 3. Said company may purchase or lease at any time the whole or any portion of the property and franchises of any other street railway which is now operated within the cities and towns before mentioned: *provided, however*, that such purchase, consolidation or lease shall not be valid unless agreed upon by a majority of the directors of the purchasing, consolidating, selling or leasing corporations, and said acts of the boards of directors shall be approved by a majority in interest of the stockholders of each corporation, at meetings called for that purpose; *provided, further*, that no contract of lease, sale, purchase or consolidation between said company and any other street railway company or traction company shall be entered into under the provisions of this act until the terms of such contract shall have been first approved by the board of railroad commissioners; but this section shall not affect the terms of existing orders of location granted to said company by the mayor and aldermen of the said city of Newton.

Railroad commissioners' approval.

Increase of capital stock.

SECTION 4. Said company may for purposes mentioned in section three, by a vote of two thirds in interest of its stockholders at meetings called for that purpose, increase its capital stock to an amount not exceeding the capital stock of the company purchased or consolidated with: *provided, however*, that only so much stock may be issued as will equal at its market value the stock of purchased or consolidated roads at its market value.

Railroad commissioners' approval, etc.

SECTION 5. No stock shall be issued under this act until the terms of such issue shall have been submitted to the board of railroad commissioners and approved by them; and if they approve such issue, a certificate setting forth such approval shall be executed by said board and filed by said company in the office of the secretary of the Commonwealth.

To be void if road is conveyed to a foreign corporation.

SECTION 6. All rights granted under this act shall be null and void in case said road shall be sold or leased to any foreign corporation.

SECTION 7. This act shall take effect upon its passage.

Approved June 6, 1893.

AN ACT TO INCORPORATE THE FALL RIVER AND TAUNTON STREET RAILWAY COMPANY. Chap. 421

Be it enacted, etc., as follows:

SECTION 1. Milton Reed, Albert F. Dow, William R. Warren, John Beattie, junior, William F. Thomas, Theodore W. Borden and Benjamin Cook, their associates and successors, are hereby made a corporation under the name of the Fall River and Taunton Street Railway Company; with all the powers and privileges and subject to all the duties, conditions and restrictions set forth in all general laws that now are or hereafter may be in force relating to street railway companies, except as hereinafter provided. Said company shall not cross the tracks of any steam railroad at grade without first obtaining the written consent of the board of railroad commissioners.

Fall River and Taunton Street Railway Company incorporated.

SECTION 2. Said company is hereby authorized to construct and operate a railway, with single or double tracks and with convenient turn-outs and switches, in part upon private land and over and upon any streets or highways in the cities of Fall River and Taunton and the towns of Somerset and Dighton, as shall be from time to time fixed and determined by the mayor and aldermen of the city of Fall River and the mayor and aldermen of the city of Taunton, for their respective cities, and the selectmen of the town of Somerset and the selectmen of the town of Dighton, for their respective towns. And said company may construct its tracks over private land and hold the same by purchase or lease. It may acquire by purchase or otherwise all necessary real estate for its power stations and other uses incidental to the proper maintenance of its railway.

Railroad commissioners' approval of grade crossings.

Construction and operation of road in certain cities and towns, etc.

SECTION 3. The location of said street railway outside of public streets and highways shall not exceed fifty feet in width.

Width of location outside public streets.

SECTION 4. Said company may maintain and operate said railway by any approved motive power other than steam, and, with the consent of the mayor and aldermen of the respective cities of Fall River and Taunton and the boards of selectmen of the towns of Somerset and Dighton, may make such underground alterations of the streets and highways, and may erect such poles and wires therein, and may erect and maintain such poles and wires on pri-

Motive power, alteration of streets, erection of poles and wires.

vate lands, obtained as aforesaid, as may be necessary to establish and maintain such motive power.

Capital stock
not exceeding
\$350,000.

SECTION 5. The capital stock of said corporation shall not exceed three hundred and fifty thousand dollars, except that said corporation may increase its capital stock, subject to all general laws applicable to such increase.

Mortgage bonds
not exceeding
\$350,000.

SECTION 6. Said corporation may from time to time, by the vote of the majority in interest of its stockholders, issue coupon or registered bonds to an amount not exceeding three hundred and fifty thousand dollars, for a term not exceeding twenty years from the date thereof: *provided*, that no issue of bonds shall be made unless there shall have been actually paid in an amount of the capital stock equal to the amount of such issue. To secure payment of such bonds, with interest thereon, said corporation may make a mortgage of its road and franchise or any part of its other property, and may include in such mortgage property thereafter to be acquired, and may therein reserve to its directors the right to sell or otherwise in due course of business to dispose of property included therein which may become worn, damaged or unsuitable for use in the operation of its road, provided an equivalent in value is substituted therefor; and bonds issued shall first be approved by some person appointed by the corporation for that purpose, who shall certify upon each bond that it is properly issued and recorded.

Railroad com-
missioners'
approval of
issue of stock
and bonds, etc.

SECTION 7. No stock or bonds shall be issued under this act until the terms of such issue shall have been submitted to the board of railroad commissioners and approved by them. And if they approve such issue, a certificate setting forth such approval shall be executed by said board and filed by said company in the office of the secretary of the Commonwealth.

To be void if
road is conveyed
to a foreign
corporation.

SECTION 8. All rights granted under this act shall be null and void in case said road shall be sold or leased to any foreign corporation.

To be void if
road is not
operated prior
to July 1, 1896.

SECTION 9. This act shall take effect upon its passage, but shall become void unless said railway is constructed and put in operation before the first day of July in the year eighteen hundred and ninety-six.

Approved June 6, 1893.

AN ACT RELATING TO THE EXPENSE OF RECORDING PROBATE PROCEEDINGS IN THE COUNTY OF SUFFOLK.

Chap. 422

Be it enacted, etc., as follows :

SECTION 1. The expense of recording probate proceedings in the county of Suffolk, regulated by section forty-four of chapter one hundred and fifty-six of the Public Statutes, shall not exceed forty-five hundred dollars in any one year. So much of said section forty-four as is inconsistent with this act is hereby repealed.

Expense of recording probate proceedings in Suffolk county.

Repeal.

SECTION 2. Chapter two hundred and seventeen of the acts of the year eighteen hundred and eighty-seven is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved June 6, 1893.

AN ACT RELATIVE TO THE POWERS AND DUTIES OF TOWN OFFICERS.

Chap. 423

Be it enacted, etc., as follows :

SECTION 1. Sections seventy-one, seventy-two, seventy-five, seventy-six, eighty-two, eighty-five, eighty-eight, ninety-two, ninety-five, ninety-six and ninety-nine and sections one hundred to one hundred and twenty-eight inclusive, of chapter twenty-seven of the Public Statutes, chapter two hundred and ninety-five of the acts of the year eighteen hundred and eighty-six, chapter two hundred and twenty-one of the acts of the year eighteen hundred and eighty-eight, chapters ninety-eight and one hundred and seventy-eight of the acts of the year eighteen hundred and eighty-nine and chapter sixty of the acts of the year eighteen hundred and ninety-three, are hereby repealed, and in place and amendment thereof the following sections are substituted.

Repeal and substitute.

TOWN CLERK.

SECTION 2. The town clerk shall record all votes passed at the meeting of a town at which he is elected, and at all other meetings of the town held during his continuance in office.

Town clerk, to record all votes.

SECTION 3. The town clerk shall administer the oaths of office to all town officers who appear before him for the purpose, and shall make a record of such oaths, and of the oaths of office taken before justices of the peace of which certificates are filed.

to administer oaths and make record thereof.

Town clerk, assistant, appointment, oath of office, powers, duties, compensation, etc.

SECTION 4. The town clerk may by an instrument in writing appoint an assistant town clerk, who shall be sworn to the faithful discharge of his duties; and a record of the appointment and oath shall be made in the records of the town. The assistant town clerk may, in the absence of the town clerk, perform the duties of the office with the same powers and subject to the same requirements and penalties as are applicable to the town clerk in respect thereto, except that nothing herein shall prevent the election by the town or the appointment by the selectmen of a town clerk pro tempore with power and authority to perform any or all of such duties in accordance with the provisions of law. The assistant town clerk shall not receive any salary from the town, but his compensation, if any, shall be paid by the town clerk appointing him, and all fees for services received by him shall be paid over to the town clerk.

Town clerk to send vote to take railroad stock to secretary and railroad commissioners.

Penalty.

SECTION 5. The town clerk shall transmit to the secretary of the Commonwealth and to the board of railroad commissioners a certified copy of any vote of the town to subscribe for the stock of a railroad company, or to pledge its credit or grant aid to the same, within thirty days from the day on which the vote is taken; and if he neglects or refuses to do so, he shall be punished by fine not exceeding fifty dollars and not less than five dollars.

SELECTMEN.

Selectmen, duties when certain other officers are not chosen.

SECTION 6. The selectmen shall be assessors of taxes and overseers of the poor in towns which have not specially chosen other persons to those offices; and, when acting as assessors, the selectmen shall take the oath of office required of assessors.

may appoint police officers, etc.

SECTION 7. The selectmen may at any time appoint police officers with any or all of the powers of constables, except the power of serving and executing civil process. Such police officers shall hold office during the pleasure of the selectmen; and they may, when on duty, carry such weapons as the selectmen shall authorize.

to notify assessors of receipt of collectors' or treasurers' bonds.

SECTION 8. The selectmen, on the receipt and approval of the bond of a collector of taxes or treasurer, shall give notice of such receipt and approval to the assessors.

SECTION 9. A person elected a selectman who enters upon the duties of his office before taking the oath of office, shall forfeit for each offence a sum not exceeding one hundred dollars.

Selectmen,
penalty on, for
acting before
taking oath.

ASSESSORS.

SECTION 10. Every assessor, assistant assessor and other person chosen to assess taxes, or to determine or assist in determining the value of property for the purpose of taxation, shall, before entering upon the duties of his office, take an oath which shall be in substance as follows:—

Assessors, oath
of office.

I, having been chosen to assess taxes and estimate the value of property for the purpose of taxation for the town (or city) of _____ for the year (or years) ensuing, do swear that I will truly and impartially, according to my best skill and judgment, assess and apportion all such taxes as I may during that time assess: that I will neither overvalue nor undervalue any property subject to taxation, and that I will faithfully discharge all the duties of said office.

Every assessor, assistant assessor and other person chosen to assess taxes, or to determine the value of property for the purposes of taxation, who having notice of his election neglects to take the oath above prescribed, before entering upon the duties of such office, shall forfeit a sum not exceeding fifty dollars.

penalty on, for
neglect, etc.

SECTION 11. Assistant assessors of a town when chosen shall, in their respective districts, assist the assessors in making lists of persons liable to be assessed for poll taxes in such districts, in publishing and transmitting lists of persons so assessed, in estimating the value of the real and personal estate in such districts, and in the performance of such other duties as the assessors may require.

assistant,
powers and
duties.

OVERSEERS OF THE POOR.

SECTION 12. Members of a board of overseers of the poor of a town, when elected for terms of more than one year, shall, within seven days after the annual town meeting, meet and choose a chairman, and also a secretary, who may be chosen from their own number or may be some person other than a member of the board.

Overseers of the
poor, organiza-
tion.

They shall cause books to be kept, wherein shall be entered in a neat and methodical style, and so arranged

records.

as to be readily referred to upon such books, the information required by law in regard to all needy persons aided under their direction, and all further information as to every case of relief given, asked for or refused, the preservation of which may be of importance to the town or to the Commonwealth, stating the amount and kind of aid given, and the reasons for giving such aid or for refusing the same.

TOWN TREASURER.

Town treasurer,
bonds, receipts,
payments, and
accounts.

SECTION 13. The town treasurer shall give bond in such sum as the selectmen shall require, with sureties to their satisfaction, for the faithful discharge of the duties of his office; shall receive and take charge of all money belonging to the town, and shall pay over and account for the same according to the order of the town or of the officers thereof duly authorized in that behalf. The treasurer shall annually render to the town a true account of all his receipts, payments and other official doings.

to prosecute
suits, etc., and
for fines, etc.

SECTION 14. The treasurer of a town may in his own name and official capacity prosecute suits upon bonds, notes or other securities given to him or to his predecessors in office; and when no other provision is specially made, he shall prosecute for all fines and forfeitures which inure to the town or to the poor thereof.

to prosecute
for trespasses,
etc.

SECTION 15. The treasurer of a town shall prosecute for trespasses committed on any public building or enclosure belonging to the town; and when a public building is owned partly by the town and partly by the county, such prosecution may be made either by the town or county treasurer, whichever shall first institute the same.

as collector
of taxes, dep-
uties, appoint-
ment, bonds,
powers, duties,
etc.

SECTION 16. If a town appoints its treasurer collector of taxes, the treasurer may appoint deputies, who shall give such bonds for the faithful discharge of their duties as the selectmen may think proper; and such collector and deputies shall have the same powers as are vested in collector of taxes. A treasurer so appointed collector may issue his warrant to the sheriff of the county or to his deputy, or any constable of the town, directing them to distrain the property or take the body of any person who is delinquent in the payment of taxes, and to proceed in the same manner as collectors are required to do in like cases.

COLLECTOR OF TAXES.

SECTION 17. If the person or persons appointed to collect taxes in a town refuse to serve, or if no person is elected or appointed a collector of taxes, the constables of the town shall be the collectors of taxes therein.

Collector of taxes, constables to be, in certain cases.

SECTION 18. Every collector of taxes shall give bond to the town in such sum as the selectmen may require, and with sureties to their satisfaction, for the faithful discharge of the duties of his office.

to give bond.

SECTION 19. A town may at a meeting notified for the purpose authorize its collector of taxes to use all means of collecting taxes which a town treasurer may use when appointed a collector of taxes.

may be given certain powers of treasurer.

AUDITORS.

SECTION 20. The auditors of towns shall examine the books and accounts of all officers and committees of their respective towns intrusted with the receipt, custody or expenditure of money, and all original bills and vouchers on which moneys have been or may be paid from the treasuries of their respective towns. They shall have free access to such books, accounts, bills and vouchers, as often as once a month, and may make examination thereof, and they shall examine the same at least once in each year, and shall annually report in writing to their respective towns as to the correctness of all such books, accounts, bills and vouchers.

Auditors, powers and duties.

SURVEYOR OF HIGHWAYS.

SECTION 21. A surveyor of highways who neglects the duties of his office shall forfeit ten dollars for each neglect; and he may be prosecuted by indictment for any deficiency in the highways within his limits occasioned by his fault or neglect.

Surveyor of highways, penalty for neglect, prosecution, etc.

SECTION 22. If a town is sentenced to pay a fine for a deficiency in the highways or town ways therein, any surveyor of highways through whose fault or neglect such deficiency existed, shall be liable for the amount of such fine and for all costs, to be recovered by the town in an action of tort.

liable to town for deficiency in highways, etc.

ROAD COMMISSIONERS.

Road commis-
sioners, powers,
duties, etc.

SECTION 23. Road commissioners, when chosen in towns, shall, in matters concerning streets, ways, bridges, monuments at the terminations and angles of roads, guide posts, sidewalks and shade trees, and, if sewer commissioners are not chosen, in matters of sewers and drains, exclusively have the powers and be subject to the duties, liabilities and penalties of selectmen and surveyors of highways, and shall have all the powers and privileges conferred upon selectmen in section seventeen of chapter fifty-three of the Public Statutes in relation to moving buildings in public streets and highways.

SEWER COMMISSIONERS.

Sewer commis-
sioners, powers,
duties, etc.

SECTION 24. Sewer commissioners, when chosen in towns, shall, in matters concerning sewers and drains, exclusively have the powers and be subject to the duties, liabilities and penalties of selectmen and road commissioners.

SUPERINTENDENT OF STREETS.

Superintendent
of streets, ap-
pointment, oath
and term of
office, compen-
sation.

SECTION 25. In a town which shall not choose road commissioners in accordance with the provisions of law, the selectmen shall, as soon after the annual town meeting as may be, appoint a suitable person to be a superintendent of streets. The superintendent of streets shall be sworn to the faithful discharge of his duties, shall receive such compensation for his services as the town or selectmen may determine, and shall hold office until the next annual town meeting and until his successor is appointed and qualified, unless the provisions of law for the appointment of road commissioners shall have ceased to be operative in such town.

removal.

The superintendent of streets may be removed from office by the selectmen when in their judgment the best interests of the town so require.

vacancy.

When a vacancy in the office of superintendent of streets shall occur by removal, or by resignation or otherwise, the selectmen shall appoint a suitable person to fill the vacancy, who shall hold office until the next annual town meeting, and until his successor is appointed and qualified, except as above provided.

SECTION 26. The superintendent of streets in a town shall, under the direction of the selectmen, have full charge of all repairs and labor required of towns upon streets, ways, bridges and sidewalks, and the care and preservation of shade trees; and, also, in towns when no other provision is made, he shall have full charge of all repairs required of towns upon sewers and drains, and in relation to all such matters he shall have the same powers and be subject to the same duties, liabilities and penalties which have been imposed upon surveyors of highways and road commissioners.

Superintendent
of streets,
powers,
duties, etc.

CONSTABLES.

SECTION 27. A constable who gives to the inhabitants of the town for which he is chosen a bond with sureties in a sum not less than one thousand dollars, to the satisfaction of the selectmen, with condition for the faithful performance of his duties in the service of all civil processes committed to him, and causes the same, with the approval of the selectmen indorsed thereon, to be filed in the office of the town clerk, may, within his town, serve any writ or other process in a personal action in which the damages are not laid at a greater sum than two hundred dollars, and any process in replevin in which the subject-matter does not exceed in value two hundred dollars, and any writ or other process under the provisions of chapter one hundred and seventy-five of the Public Statutes; and no constable shall serve any process in a civil action until he gives such bond.

Constables,
giving bond of
one thousand
dollars may
serve civil proc-
esses, etc.

SECTION 28. A constable who gives and files a bond, given as provided in the preceding section and so indorsed, in a sum not less than three thousand dollars, may, within his town, serve any writ or other process in a personal action in which the damages are laid at a sum not exceeding three hundred dollars, and any process in replevin in which the subject-matter does not exceed in value three hundred dollars.

giving bond of
three thousand
dollars may
serve processes,
etc.

SECTION 29. The town clerk shall note upon every bond given by a constable the time when the same was filed. Any person injured by a breach of the condition of such bond may, at his own expense, institute a suit thereon in the name of the town, and like proceedings shall be had as in a suit by a creditor on an administration bond. The writ shall be indorsed by the persons for

time of filing
bond noted.
Remedies on
bond, etc.

whose benefit the suit is brought; and if neither of them is an inhabitant of the Commonwealth, it shall also be indorsed by some other responsible indorser residing in the Commonwealth. If judgment is for the defendants, execution shall issue for costs against the indorsers as if they were plaintiffs of record.

Constables, may
serve certain
writs, etc.

SECTION 30. Constables may serve such writs and processes as are described in section twenty-seven of this act, and warrants and other processes in criminal cases, although their town, parish, religious society or other legally established district, is a party or interested.

may serve cer-
tain demands,
notices, etc.

SECTION 31. Constables may serve by copy, by them attested, all demands, notices and citations, and their returns of service thereof shall be prima facie evidence; but this provision shall not exclude the service thereof by other parties.

may require
aid.

SECTION 32. Constables shall have like powers as sheriffs, under section eighteen of chapter twenty-five of the Public Statutes, to require aid in the execution of their duties.

to execute
warrants of
selectmen.

SECTION 33. Constables shall serve all warrants and other processes, lawfully directed to them by the selectmen of their town, for notifying town meetings or for other purposes.

to complain of
breaches of cer-
tain laws.

SECTION 34. Constables shall take due notice of and prosecute all violations of the laws respecting the observance of the Lord's day, and of those to prevent profane swearing and against gaming.

may convey
person, etc., to
jail, etc., out of
their town.

SECTION 35. A constable in the execution of a warrant or writ directed to him may convey beyond the limits of his town prisoners and property in his custody under such process, either to the justice who issued it or to the common jail or house of correction of his county.

may serve
warrants in cer-
tain cases in
any place.

SECTION 36. If a person against whom a warrant is issued for an alleged offence committed within any town before or after the issuing of the warrant escapes from or is out of such town, any constable thereof to whom the warrant is directed may pursue and apprehend him in any place in the Commonwealth.

GENERAL PROVISIONS.

Compensation
of town officers.

SECTION 37. Town officers shall receive such compensation for their services, unless otherwise by law provided, as the town may by vote determine.

SECTION 38. A town which chooses neither selectmen nor assessors shall forfeit such sum, not exceeding five hundred dollars and not less than one hundred dollars, as the county commissioners of the county in which such town is situated may order.

Penalty, for not choosing selectmen nor assessors.

SECTION 39. A person chosen to the office of assessor, who, unless exempt by law from holding such office, fails, after being duly summoned, to take the oath of office, shall forfeit a sum not exceeding fifty dollars.

on assessor, for failure to take oath.

A person chosen to the office of constable, able to perform the duties thereof, and not exempt by law from holding the office, who refuses to take the oath of office and to serve in such office, shall forfeit the sum of twenty dollars. If he is present in town meeting, and declares his refusal, or neglects for seven days after being duly summoned to take such oath, or to pay such fine, he shall be prosecuted therefor by the treasurer.

on constable, for refusal, prosecution.

A person chosen to the office of surveyor of highways, who, unless exempt by law from holding such office, fails after being duly summoned to take the oath of office, shall forfeit the sum of ten dollars.

on surveyor of highways, for failure to take oath.

A person chosen to a town office other than those above-mentioned, unless exempt by law from holding the office to which he is elected, who fails after being duly summoned to take the oath of office, shall forfeit the sum of five dollars.

on town officers, for failure to take oath.

SECTION 40. Any person authorized to approve demands for the supply of materials, labor or service to a town may, before approving any such demand, require the claimant to certify under oath that all the articles for which claim is made have been furnished, or that all the labor or service has been performed, and that no commission, discount, bonus, reward or present of any kind has been received, or is promised or expected on account of the same.

Oath may be required of persons bringing demand for payment.

SECTION 41. The provisions of section one hundred and thirty of chapter twenty-seven of the Public Statutes, relative to the recovery of fines and forfeitures, shall apply to the recovery of fines and forfeitures under the provisions of this act; and the provisions of this act, so far as they are the same as those of existing statutes, shall be construed as a continuation of such statutes and not as new enactments; and the repeal by this act of any provision of law shall not affect any act done, liability

Recovery of fines and forfeitures; how act is to be construed, etc.

incurred, or any right accrued and established, or any suit or prosecution, civil or criminal, pending or to be instituted to enforce any right or penalty or punish any offence under the authority of the repealed statutes.

Approved June 6, 1893.

Chap. 424 AN ACT RELATIVE TO A LOAN FOR THE PROMOTION OF THE ABOLITION OF GRADE CROSSINGS AND A SINKING FUND THEREFOR.

Be it enacted, etc., as follows:

Sinking fund for payment of loan for abolition of grade crossings.

SECTION 1. Upon issuing any bonds authorized by chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety, chapters three hundred and seventy-four and four hundred and thirty-three of the acts of the year eighteen hundred and ninety-two, and chapter two hundred and eighty-three of the acts of the year eighteen hundred and ninety-three, for the abolition of grade crossings, the treasurer and receiver general shall establish a sinking fund for the payment of said bonds, into which shall be paid any premiums received on the sale of said bonds; and he shall apportion thereto from year to year, in addition, amounts sufficient with their accumulations to extinguish at maturity the debt incurred by the issue of said bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be raised by taxation from year to year.

Amount for sinking fund and interest to be raised by taxation.

Repayment of amounts already expended.

SECTION 2. From the proceeds of the sale of the bonds referred to in section one there shall be paid into the treasury of the Commonwealth such amounts as may have been already expended therefrom under the authority of the acts mentioned in section one.

SECTION 3. This act shall take effect upon its passage.

Approved June 6, 1893.

Chap. 425 AN ACT TO INCORPORATE THE FALL RIVER COLLATERAL LOAN ASSOCIATION.

Be it enacted, etc., as follows:

Fall River Collateral Loan Association incorporated.

SECTION 1. John D. Flint, Milton Reed, William S. Greene, Benjamin Buffinton, William R. Warner, Thomas J. Borden and John S. B. Clarke, their associates and successors, are hereby made a corporation by the name of the Fall River Collateral Loan Association, to be located at Fall River, for the purpose of loaning money upon pledge or mortgage of goods and chattels or of safe

securities of every kind; and all the powers and privileges necessary for the execution of these purposes are granted, and said corporation shall also have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in chapter one hundred and five of the Public Statutes and in all the general laws which now are or hereafter may be in force in relation to such corporations.

Powers, duties, etc.

SECTION 2. The capital stock of said corporation shall be twenty-five thousand dollars, to be divided into shares of one hundred dollars each, and to be paid for at such times and in such manner as the board of directors shall decide: *provided*, that no business shall be transacted by said corporation until said amount of twenty-five thousand dollars is subscribed for and actually paid in; and no certificate of shares shall be issued until the par value of such shares shall have actually been paid in in cash. The said corporation may increase its capital stock from time to time until the same amounts to five hundred thousand dollars.

Capital stock.

Not to commence business until stock is paid in, etc.

SECTION 3. Said corporation is hereby authorized to borrow money on its own notes, not exceeding the amount of its capital paid in, and for periods not exceeding one year.

Corporation may borrow money.

SECTION 4. The government of said corporation shall be vested in a board of directors, chosen as the by-laws may prescribe, conformably to law: *provided, however*, that one director shall be appointed by the governor of the Commonwealth and one shall be appointed by the mayor of the city of Fall River; and the board thus constituted shall elect one of their number president, and such other officers as may be deemed necessary. The compensation of the directors appointed by the governor and mayor for their services and attendance at meetings shall be paid by the association.

Officers, directors, state and city, appointment, etc.

SECTION 5. When the association has disposable funds, it shall loan on all goods and chattels offered, embraced within its rules and regulations, in the order in which they are offered, with this exception, that it may always discriminate in favor of small loans to the indigent.

Loans on goods and chattels, etc.

SECTION 6. All loans shall be for a time fixed, and not more than one year, and the mortgagor or pledgor shall have a right to redeem his property mortgaged or pledged, at any time before it is sold, in pursuance of the contract between the parties, or before the right of redemption is

Time for loans, redemption of property, etc.

foreclosed, on payment of the loan and rate of compensation to the time of the offer to redeem. No charges shall be made for making a preliminary examination when a loan is not made, nor for the examination of property offered at the office of the association for pledge.

Card to be given
each pledgor.

SECTION 7. The corporation shall give to each pledgor a card inscribed with the name of the corporation, the article or articles pledged, the name of the pledgor, the amount of the loan, the rate of compensation, the date when made, the date when payable, the page of the book where recorded and a copy of sections eight and nine of this act.

Property to be
held one year,
sale, disposition
of proceeds.

SECTION 8. Property pledged to the association must be held one year, unless sooner redeemed, and if not redeemed within one year from the date of the loan shall be sold at public auction, and the net surplus, after paying loan charges and expenses of sale, shall be held one year for the owner. All auction sales shall be advertised for at least one week in two daily newspapers published in Fall River. In case a savings bank deposit book pledged to the association shall not be redeemed as above it shall not be necessary for the association to sell the same at public auction, but it may convert the same, or so much thereof as may be necessary to pay the debt, in such mode and at such time as in the judgment of the directors will best secure the interest of all parties, holding the net surplus as above for the owner.

Disposition of
savings bank
deposit books.

Interest.

SECTION 9. Said association shall in no case charge interest at a rate exceeding one and one half per centum per month.

Supervision of
commissioners
of savings
banks.

SECTION 10. The commissioners of savings banks shall have access to the vaults, books and papers of the corporation, and it shall be their duty to inspect, examine and inquire into its affairs and to take proceedings in regard to them, in the same manner and to the same extent as if said corporation was a savings bank, subject to all the general laws which are now or hereafter may be in force relating to such institutions in this regard. The returns required to be made to the commissioners of savings banks shall be in the form of a trial balance of its books, and shall specify the different kinds of its liabilities and the different kinds of its assets, stating the amounts of each kind, together with such other information as may be called for by said commissioners, in accordance with a

Returns.

blank form to be furnished by said commissioners; and these returns shall be published in a newspaper of the city of Fall River, at the expense of said corporation, at such times and in such manner as may be directed by said commissioners, and in the annual report of said commissioners: *provided, however*, that said commissioners may cause any examination to be made by an expert, under their direction, but at the expense of the corporation.

Examination by expert.

Approved June 6, 1893.

AN ACT RELATING TO CERTAIN OFFICERS IN THE STATE PRISON.

Chap. 426

Be it enacted, etc., as follows:

SECTION 1. All subordinate officers now employed or hereafter appointed for service in the state prison, before proceeding with or entering upon the duties to which they have been appointed, shall take and subscribe the oath hereinafter provided, before any officer authorized by law to administer an oath, the record of said oath to be at all times in the possession of the warden.

Oath to be administered to subordinate officers of state prison.

[FORM OF OATH.]

I, A. B., do solemnly swear that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.

I, A. B., do solemnly swear that I will obey the lawful orders of all my superior officers. So help me, God.

I, A. B., do solemnly swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me in the office to which I have been appointed, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution, the laws of the Commonwealth, and the rules provided in accordance with law for the government of the state prison. So help me, God.

SECTION 2. Each of said officers shall give bond with sureties to the Commonwealth in the sum of one thousand dollars, to be approved by the commissioners of prisons, conditioned that he will obey the rules of the institution and faithfully perform all the duties incumbent upon him as such officer, and not to depart from the service of the Commonwealth, except upon at least ten days' notice in writing given to the warden, unless sooner released from said service by the warden. Such bond, with the approval of the sureties endorsed thereon, shall be filed in the office of the treasurer of the Commonwealth.

Officers to give bond, etc.

SECTION 3. This act shall take effect upon its passage.

Approved June 6, 1893.

Chap. 427 AN ACT TO INCORPORATE THE MALDEN, MELROSE AND STONEHAM STREET RAILWAY COMPANY.

Be it enacted, etc., as follows:

Malden, Melrose and Stoneham Street Railway Company incorporated.

SECTION 1. George F. Butterfield, John F. Berry, Frank L. Whittier, Arthur W. Rice, George N. Greene, Fred. A. Chase and John C. C. Small, their associates and successors, are hereby made a corporation under the name of the Malden, Melrose and Stoneham Street Railway Company; with all the powers and privileges and subject to all the duties, conditions and restrictions set forth in all general laws that now are or hereafter may be in force relating to street railway companies, except as hereinafter provided.

Construction and operation of railway in Malden, Melrose and Stoneham.

SECTION 2. Said company is hereby authorized to construct and operate a railway, with single or double tracks and with convenient turn-outs and switches, in part upon private land, and over and upon any streets or highways in the city of Malden and the towns of Melrose and Stoneham, as shall be from time to time fixed and determined by the mayor and aldermen of said city for said city, and the selectmen of the towns of Melrose and Stoneham for their respective towns, and said company may construct its tracks over private land and hold the same by purchase or lease. It may acquire by purchase or lease all necessary real estate for its power stations and other uses incidental to the proper maintenance of its railway. Nothing in this act shall render it obligatory upon the board of aldermen of the city of Malden to grant any location whatsoever to said company.

Location outside of public streets.

SECTION 3. The location of said street railway outside of public streets and highways shall not exceed fifty feet in width.

Motive power, alteration of streets, erection of poles and wires.

SECTION 4. Said company may maintain and operate said railway by any approved motive power other than steam, and, with the consent of the mayor and aldermen of the city of Malden and the selectmen of the towns of Melrose and Stoneham, may make such underground alterations of the streets and highways, and may erect such poles and wires therein, and may erect and maintain such poles and wires on private lands acquired as aforesaid, as may be necessary to establish and maintain such motive power.

SECTION 5. The capital stock of said company shall not exceed one hundred and twenty-five thousand dollars, except that said company may increase its capital stock, subject to all general laws applicable to such increase. Capital stock.

SECTION 6. Said corporation may from time to time, by the vote of the majority in interest of its stockholders, issue coupon or registered bonds to an amount not exceeding one hundred and twenty-five thousand dollars, for a term not exceeding twenty years from the date thereof: *provided*, that no issue of bonds shall be made unless there shall have been actually paid in an amount of the capital stock equal to the amount of such issue. To secure payment of such bonds, with interest thereon, said corporation may make a mortgage of its railway and franchise and any part of its other property, and may include in such mortgage property thereafter to be acquired, and may therein reserve to its directors the right to sell or otherwise in due course of business to dispose of property included therein which may become worn, damaged or unsuitable for use in the operation of its railway, provided an equivalent in value is substituted therefor; and all bonds issued shall first be approved by some person appointed by the corporation for that purpose, who shall certify upon each bond that it is properly issued and recorded. Mortgage bonds.

SECTION 7. No stock or bonds shall be issued under this act until the terms of such issue shall have been submitted to the board of railroad commissioners and approved by them. And if they approve such issue a certificate setting forth such approval shall be executed by said board and filed by said company in the office of the secretary of the Commonwealth. Railroad commissioners to approve issue of stock and bonds, etc.

SECTION 8. All rights granted under this act shall be null and void in case said road shall be sold or leased to any foreign corporation. To be void if road is conveyed to a foreign corporation.

SECTION 9. This act shall take effect upon its passage, but shall become void unless said railway is constructed and put in operation before the first day of July in the year eighteen hundred and ninety-six. To be void if road is not operated prior to July 1, 1896.

Approved June 6, 1893.

Chap. 428 AN ACT REQUIRING THE COMMISSIONERS OF PRISONS TO MAKE CERTAIN REPORTS.

Be it enacted, etc., as follows :

Commissioners
of prisons to
make reports to
the governor.

SECTION 1. The commissioners of prisons are hereby required to make formal written report to the governor, of the administration, financial management and discipline of the state prison, the Massachusetts reformatory and the reformatory prison for women, whenever in the judgment of said commissioners the conditions of administration, financial management and discipline in any of said institutions are such as to require executive action, and they shall make formal written report to the governor of the condition of each of said institutions at least once in six months.

SECTION 2. This act shall take effect upon its passage.

Approved June 6, 1893.

Chap. 429 AN ACT TO REVISE THE CHARTER OF THE CITY OF LOWELL.

Be it enacted, etc., as follows :

City of Lowell.

SECTION 1. The inhabitants of the city of Lowell, for all the purposes for which cities and towns are by law incorporated in this Commonwealth, shall continue to be one body politic, in fact and in name, under the style and denomination of the City of Lowell; and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and appertaining to said city as a municipal corporation, except so far as the same may be modified by the provisions of this act.

Administration
of fiscal, pruden-
tial and
municipal
affairs.

SECTION 2. The administration of the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one principal officer, styled the mayor, one select council of nine, to be called the board of aldermen, and one council of not less than two nor more than four from each ward, to be called the common council: *provided, however*, that if in any year of a new division of the city into wards the number of wards shall be increased, there shall be elected at the municipal election occurring in such year an alderman for each new ward, in the manner hereinafter provided. The board of aldermen and the common council in their joint capacity

City council.

shall be denominated the city council, and the members thereof shall be sworn to the faithful discharge of their duties. A majority of each board shall constitute a quorum for the transaction of business. No member of the city council shall receive any compensation for his services.

SECTION 3. The election of municipal officers shall take place on the second Tuesday of December, annually, and the municipal year shall begin on the first Monday of the following January. All meetings of the citizens for municipal purposes shall be called by warrants issued by the board of aldermen, which shall be in such form and be served, executed and returned in such manner and at such time as the city council may by ordinance direct.

Municipal election and municipal year.

SECTION 4. In the year eighteen hundred and ninety-five, and in every tenth year thereafter, but not oftener, the city council may make a new division of the city into such number of wards as they may determine, and may increase or diminish the number of common councilmen to which the several wards shall be entitled during the succeeding decennial period: *provided*, that the number of wards shall not be less than six nor more than twelve; and *provided, further*, that the number of common councilmen shall not be less than two nor more than four from each ward; and each ward shall be entitled to an equal number of common councilmen with every other ward. Every new division of the city into wards shall be made in such manner as to include an equal number of voters in each ward, as nearly as conveniently may be, consistently with well-defined limits to each ward; and until a new division is made the boundary lines of the wards shall remain as now established.

New division of city into wards, number; change in number of common councilmen.

SECTION 5. The mayor shall be elected by the qualified voters of the city at large, and shall hold office from the first Monday of January next succeeding his election to the first Monday of the following January.

Mayor, election, term of office.

SECTION 6. All the nine aldermen shall be elected at large at the municipal election in each year by the qualified voters of the city. No voter shall vote for more than six aldermen on one ballot, and the nine having the highest number of votes shall be declared elected. The aldermen shall hold office from the first Monday in January next succeeding their election to the first Monday of the following January.

Aldermen, election, term of office.

Common councilmen, election, term of office.

SECTION 7. The members of the common council shall be elected from and by the legal voters of the wards in which they reside at the time of their election, and shall hold office from the first Monday of January next succeeding their election to the first Monday of the following January.

Vacancy in office of mayor.

SECTION 8. Whenever any person elected mayor shall die, remove from the city, or refuse in writing, addressed to the board of aldermen, to accept said office, before entering upon the discharge of his duties, and whenever, prior to the first day of November in any year, in consequence of the death, resignation or disability of the mayor, the office shall have become vacant, and the board of aldermen and common council shall each have declared by vote or resolution the fact of such vacancy and the cause thereof, the board of aldermen shall forthwith issue their warrant for the election of a mayor for the term, or the remainder of the term, for which the last mayor was elected; and the same proceedings shall be had as are required by law for the original election: *provided, however*, that until such vacancy is filled as aforesaid, or whenever the mayor from temporary disability cannot perform the duties of the office, and the fact of the vacancy or such temporary disability has been declared by the board of aldermen to exist, then the duties of the mayor shall devolve upon the chairman of the board of aldermen; and if there is no chairman, then upon the president of the common council; and such officer shall be styled acting mayor, and shall have all the powers conferred upon the mayor by law, save that he shall have no authority to make permanent appointments.

Acting mayor.

Vacancies in offices of aldermen or common councilmen.

SECTION 9. Whenever any person elected alderman or common councilman shall die, remove from the city, or refuse in writing, addressed to the board of aldermen for the time being, to accept the office, before entering upon the discharge of his duties, the board of aldermen shall make a record of the fact, and thereupon shall issue their warrant for an election to fill such vacancy, to be held at such time as they shall deem advisable; and the same proceedings shall be had to fill any vacancy in either of said offices caused by death, resignation or otherwise, after the commencement of the municipal year.

Removal of residence of officer.

SECTION 10. Every municipal officer shall be held to discharge the duties of the office to which he has been

elected, notwithstanding his removal after his election out of his ward into any other ward of the city ; but a removal of residence out of the city shall cause a vacancy to exist in the office to which he was elected.

SECTION 11. On the second Tuesday in December annually the qualified voters shall in their several wards or precincts give in their votes by ballot for mayor, aldermen and common councilmen, in accordance with the laws of the Commonwealth ; and if at such election a mayor or the required number of members of the city council shall not have been elected, the board of aldermen shall make a record of the fact and forthwith issue their warrant for another election ; and the same proceedings shall be had as are provided by law for the original election ; and the same shall be repeated from time to time until such persons shall be chosen. All persons who may be elected to the offices named in this section shall be notified by the board of aldermen within two days after the fact shall be ascertained.

Election of mayor, aldermen and common councilmen.

Notification.

SECTION 12. The mayor, aldermen and common council shall meet in convention on the first Monday of January in each year, at ten o'clock in the forenoon, and shall be sworn to the faithful discharge of their duties. Whereupon the two boards shall separate, and the common council shall be organized in the manner hereinafter provided. Either of said officers not present on said first Monday of January may be sworn at any time thereafter in convention of the two boards. In all cases a record of the taking of the oath of office, as above provided, shall be made by the respective clerks of the two boards.

Oaths of office of mayor, aldermen and common council.

SECTION 13. The board of aldermen shall elect by ballot one of their members chairman of the board, who shall hold office during the municipal year for which he is elected, unless sooner removed by said board. The chairman shall preside at all meetings of the board of aldermen and at all conventions of the city council. In case of the absence of the chairman from any meeting of said board, or from any convention of said city council, a member of the board of aldermen shall be elected by said board to preside for the time being. All meetings of the board of aldermen shall be public, unless said board shall determine by a majority vote of the members present that it is expedient to transact any special business in executive session. The board of aldermen shall be the final judges of the election and qualification of their own members.

Board of aldermen, chairman.

meetings, etc.

Common council, president.

SECTION 14. The persons chosen and qualified as members of the common council shall sit and act together as a separate body, distinct from that of the board of aldermen, except when the two bodies meet in convention. On the first Monday of January, or as soon thereafter as may be, the common council shall elect one of their members to preside over their deliberations, who shall be called the president of the common council, and who shall hold office during the municipal year for which he is elected, unless sooner removed. In case the president is absent or unable to perform his duties, or in case the office is vacant from any cause, the council shall elect a president for the time being. The common council shall elect a clerk, who shall be sworn to the faithful discharge of the duties of his office, and shall hold his office during the pleasure of the council and until his successor shall be chosen and qualified; and he shall attend the council when in session, keep a journal of all their acts, votes and proceedings, and perform such other services in said capacity as the council may require. In his absence the council shall elect a clerk *pro tempore*, who shall be sworn to the faithful discharge of his duties. All sittings of the common council shall be public. The certificate issued by the mayor and aldermen shall be presumptive evidence of the right of the person presenting the same to a seat in the common council; but the council shall have the authority to decide ultimately upon all questions relating to the qualifications, elections and returns of their members.

clerk.

meetings, etc.

Suspension and removal of officers by mayor.

SECTION 15. [Form One.] The mayor may, when in his judgment the public interests require it, suspend for a period of seven days any member of the board of overseers of the poor or of the board of health, any assistant assessor, any member of the police force or fire department, and any other officer of the city; and after due hearing he may, with the approval of the board of aldermen, where said board elects any of said officers, and with the approval of both branches of the city council, where any of said officers are elected by concurrent vote, remove any of the said officers: *provided*, that the members of the city council and school committee, and their clerks and attendants, the principal assessors, the city clerk, the assistant city clerk, the city treasurer, the city auditor, the city messenger and city solicitor, shall not be

Proviso.

subject to suspension or removal as above provided. No appointment made by the mayor which is subject to the approval of the board of aldermen shall be acted upon by said board until the expiration of one week after such appointment is transmitted to said board, except by unanimous consent of said board.

Action upon
appointment
by mayor.

[Form Two.] Every officer elected, appointed or confirmed by the city council or either branch thereof, shall have his office according to the terms of the same and until his successor is chosen and qualified, unless herein otherwise provided: *provided, however*, that any such officer may be removed at any time, for cause, by concurrent action of the mayor and the body that elects, appoints or confirms such officer.

Terms of certain
officers.

Removal.

SECTION 16. The mayor shall be the chief executive officer of the city, and shall be compensated for his services by a salary to be fixed by the city council, payable at stated periods, which salary shall not exceed the sum of three thousand dollars annually; and he shall receive no other compensation or emolument whatever; and no regulations enlarging or diminishing such compensation shall be made to take effect until the expiration of the year for which the mayor then in office shall have been elected. And the mayor shall be vigilant and active at all times in causing the laws for the government of the city to be duly enforced; shall inspect the conduct of all subordinate officers in the government thereof, and, as far as in his power, cause all negligence and violation of duty to be duly prosecuted and punished. Whenever in his judgment the good of the city may require it he shall summon meetings of the board of aldermen and common council, or either of them, although the meeting of said boards, or either of them, may stand adjourned to a more distant day, and perform such other duties as the city council may legally and reasonably require. And the mayor from time to time shall communicate to both branches of the city council such information and recommend such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort and ornament of the city.

Mayor, chief
executive
officer, salary,
general powers,
duties, etc.

SECTION 17. [Form One.] The mayor shall appoint a city clerk, subject to confirmation or rejection by the board of aldermen, at such time and for such term, not exceeding three years, as the city council may by ordi-

City clerk,
appointment,
term of office,
powers, duties,
etc.

nance determine. He shall be sworn to the faithful discharge of his duties, and shall hold his office until his successor is chosen and qualified, but may be removed however at the pleasure of the board of aldermen. The city clerk shall be ex officio clerk of the board of aldermen. He shall keep a journal of the votes and proceedings of the aldermen and also of the city council when sitting in convention, and shall perform such other duties as the city council may prescribe.

City clerk, election, term of office, powers, duties, etc.

[Form Two.] A city clerk shall be elected by concurrent vote of both branches of the city council, at such time and for such term, not exceeding three years, as the city council may by ordinance determine. He shall be sworn to the faithful discharge of his duties, and shall hold his office until his successor is chosen and qualified, but may be removed however at the pleasure of the city council. The city clerk shall be ex officio clerk of the board of aldermen. He shall keep a journal of the votes and proceedings of the aldermen, and also of the city council when sitting in convention, and shall perform such other duties as the city council may prescribe.

City treasurer appointment, term of office, bond, etc.

SECTION 18. [Form One.] The mayor shall appoint a city treasurer, who shall also be a collector of taxes, subject to the confirmation or rejection of the board of aldermen, at such time and for such term as the city council may by ordinance determine. He shall be sworn to the faithful discharge of his duties, and shall hold office until his successor shall be chosen and qualified, but may be removed at the pleasure of the board of aldermen. He shall deliver up to his successor in office as soon as chosen and qualified, or to any person designated by the city council, on his ceasing to fill such office, all books, funds, papers or other things kept or held by him as such officer; he shall give bond for the faithful discharge of the duties of his office in such sum as the city council may require and with such sureties as the mayor may approve.

City treasurer, election, term of office, bond, etc.

[Form Two.] A city treasurer, who shall also be the collector of taxes, shall be elected by concurrent vote of both branches of the city council, at such time and for such term, not exceeding three years, as the city council may by ordinance determine. He shall be sworn to the faithful discharge of his duties, and shall hold his office until his successor shall be chosen and qualified, but may be removed at the pleasure of the city council. He shall

deliver up to his successor in office as soon as chosen and qualified, or to any person designated by the city council, on his ceasing to fill such office, all books, funds, papers or other things kept or held by him as such officer; he shall give bond for the faithful discharge of the duties of his office in such sum as the city council may require and with such sureties as the mayor may approve.

SECTION 19. The administration of the police and the executive powers of the city generally, with all the powers formerly vested in the selectmen of the town of Lowell, and heretofore vested in the mayor and aldermen of the city of Lowell, shall continue to be vested in and exercised by the mayor and aldermen of said city, as fully as if the same were herein specially enumerated. The mayor and aldermen may grant licenses for all purposes within said city for which the mayor and aldermen of cities or the selectmen of towns are authorized by the general laws of the Commonwealth to grant the same, and all licenses so granted may at any time be revoked for good cause. The mayor shall appoint, subject to the confirmation or rejection of the board of aldermen, a chief of police, who shall hold office for a term not exceeding three years, as the city council may by ordinance determine, and such number of other police officers and constables as the board of aldermen shall determine or the public service may require. All said officers thus appointed shall have the power of constables except the power of serving and executing civil process. All such officers, including said chief of police, may be removed for cause by the board of aldermen, and said board may require any person appointed a constable or special constable to give bond to the city, with such security and to such amount as said board may deem proper, before entering upon the execution of said office; upon which bond the like proceedings and remedies may be had as are by law provided in case of sheriffs' bonds in this Commonwealth. The city council may cause the public streets of the city to be lighted, and for that purpose may set up and construct lamps, gas pipes or other apparatus such as the public convenience or necessity may require, as provided by law. The city council may also establish by ordinance such regulations as may be allowed by law for the erection, maintaining and operating of any line of electric wires owned by any person or corporation and

Mayor and aldermen, general powers.

Licenses, granting and revocation.

Police officers, etc., appointment, powers and duties.

Removals, bonds, etc.

Lighting of streets.

Erection, maintenance, etc., of electric wires.

used for lighting the public streets or highways, for the transmission of motive power by any street railway company, or for the transmission of intelligence by electricity : *provided, however*, that nothing herein contained shall be so construed as to affect the powers of the board of aldermen under the provisions of chapter one hundred and nine of the Public Statutes or any act in addition thereto or in amendment thereof.

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Receipt and expenditure of money, accountability, annual statement, etc.

SECTION 20. All boards and officers acting under the authority of the city and intrusted with the receipt and expenditure of public money shall be accountable therefor to the city council, in such manner as they may direct. And the city council shall publish and distribute annually for the information of the citizens a particular statement of the receipts and expenditures of all public moneys, and a particular statement of city property.

Board of aldermen and common council, general powers.

SECTION 21. All other powers now by law vested in the city of Lowell or in the inhabitants thereof, as a municipal corporation, shall continue to be vested in the board of aldermen and common council of the city, to be exercised by concurrent vote, each board having a negative upon the other; especially they may make all such needful and salutary ordinances or by-laws as towns by the laws of this Commonwealth have power to make, and annex penalties not exceeding twenty dollars for the breach thereof, which ordinances or by-laws shall take effect from and after their passage, unless otherwise provided, without the sanction or confirmation of any court or other authority whatever: *provided*, that such ordinances or by-laws shall not be repugnant to the laws of this Commonwealth and may be annulled by the legislature thereof.

Ordinances, by-laws, etc.

Taxes, assessment, collection, etc.

SECTION 22. [Form One.] The city council from time to time may lay and assess taxes for purposes for which towns are by law required or authorized to assess or grant money, and also for all purposes necessary for carrying into effect the powers conferred by this act: *provided, however*, that in the assessment and apportionment of such taxes the same rules and regulations shall be observed as are now established by the laws of the Commonwealth, or may hereafter be enacted, relative to the assessment and apportionment of town taxes. The city council may provide for the assessment and collection of such taxes; make appropriations of all public moneys

and provide for the disbursement thereof, and take suitable measures to insure a just and prompt account thereof; and for these purposes may provide for such assessors and assistant assessors as may be needful, to be appointed by the mayor, subject to confirmation or rejection by the board of aldermen, or election by the qualified voters of the city, as may be most conducive to the public good, and may fix their terms of office; and shall also require of all persons intrusted with the collection, custody or disbursement of public moneys, such bonds, with such conditions and such sureties, as the case may require.

Assessors and assistant assessors.

Officers to give bonds.

[Form Two.] The city council from time to time may lay and assess taxes for purposes for which towns are by law required or authorized to assess or grant money, and also for all purposes necessary for carrying into effect the powers conferred by this act: *provided, however*, that in the assessment and apportionment of such taxes the same rules and regulations shall be observed as are now established by the laws of this Commonwealth, or may hereafter be enacted, relative to the assessment and apportionment of town taxes. The city council may provide for the assessment and collection of such taxes, make appropriations of all public moneys and provide for the disbursement thereof, and take suitable measures to insure a just and prompt account thereof; and for these purposes may either elect such assessors and assistant assessors as may be needful, or may provide for the appointment or election of the same, or any of them, by the board of aldermen or by the citizens, as may be most conducive to the public good, and may fix their term of office; and shall also require of all persons intrusted with the collection, custody or disbursement of public moneys, such bonds, with such conditions and such sureties, as the case may require.

Taxes, assessment, collection, etc.

Assessors and assistant assessors.

Officers to give bonds.

SECTION 23. The city council shall have the power to lay out, alter, discontinue or fix the grade of any highway, street or town way, in such manner as the public convenience may require, to take land therefor and to estimate the damage any person shall sustain thereby. Any person dissatisfied with the decision of the city council in the estimate of damages may within one year thereafter make complaint and application for a jury, to the superior court in the county of Middlesex, upon which application the same proceedings shall be had as are provided in sections one hundred

Highways, streets, etc.

and five, one hundred and six, one hundred and seven and one hundred and eight of chapter forty-nine of the Public Statutes, or any acts in amendment thereof. No way in said city shall hereafter be opened for public travel or dedicated to public use unless its location, directions, widths and grades are satisfactory to and have been approved in writing by the board of aldermen.

Sidewalks,
curbstones, etc.

SECTION 24. The city council is hereby authorized to appropriate, set off and reserve as sidewalks, such parts of any streets of the city as may be necessary for the safety, convenience and accommodation of foot passengers, and permit or direct posts of stone, iron or wood, or trees, to be placed along the edge of said sidewalk, to protect the same or the passengers travelling thereon, and to establish and grade sidewalks and set curbstones in such streets in said city as the public convenience may require, and construct the same with such material as the city council shall deem expedient; and shall assess the expense of the same upon the abutters thereon. All assessments so made shall be a lien upon the abutting lands, in the same manner as taxes are a lien on real estate, and may be collected in the same manner as taxes on real estate are collected. Sidewalks when constructed shall be the property of the city, and thereafter shall be maintained and kept in repair by the city. The city council may from time to time reestablish, grade, reconstruct and repair such sidewalks and curbstones, and any sidewalks and curbstones heretofore established in said city.

Assessments.

Main drains
and common
sewers.

SECTION 25. The city council shall have the power, whenever they shall adjudge it to be necessary for the public convenience or the public health, to cause main drains or common sewers to be laid through any street or private lands, and may repair the same whenever necessary; and the city shall pay the owners of such lands such damages as they may sustain by the laying or repairing of said main drains or common sewers, to be ascertained in the same manner as is hereinbefore provided for ascertaining damages in the laying out of highways and streets; and all such main drains or common sewers shall be the property of the city.

Regulation of
vehicles used
for passengers
or freight.

SECTION 26. The city council may make and establish necessary ordinances or by-laws for the purpose of preventing any person, without first obtaining a license from the board of aldermen, from setting up, employing or

using any hackney coach, job wagon or other carriage, for the conveyance of passengers or freight from place to place in the city for hire, and for the purpose of establishing and limiting the rates and prices for such conveyance of passengers; and also for the inspection, survey, measurement and sale of lumber of every description, brick, wood, coal and bark for fuel, brought into the city for sale, and for the regulation of carriages in the streets of the city; appoint certain suitable places in the streets and squares of the city as public stands for wagons, carts, sleds and carriages of every description, and ordain fit penalties, not exceeding twenty dollars, for the breach of any of the ordinances, rules and regulations so made and established, to be recovered upon complaint of any officer or other inhabitant of the city before the police court therein, for the use of the city. The city council shall also have the care and superintendence of the public buildings, and the care, custody and management of all the property of the city, with power to lease or sell the same and to purchase property in the name and for the use of the city, whenever its interests or conveniences may require. It shall not acquire land for nor authorize the erection of a schoolhouse, or any addition thereto nor pass any appropriation for such purpose until the location and plans of the building have been approved by vote of the school committee, and such approval has been certified in writing to the city council by the secretary of said committee. The city council are hereby authorized to purchase land, to be laid out as public squares, malls, parks or commons, and to properly lay out, enclose, maintain, keep and ornament the same or any now owned by the city.

Inspection, etc.,
of lumber, etc.,

Care and super-
intendence of
public build-
ings, etc.

Erection of
schoolhouse,
etc.

Public parks,
etc.

SECTION 27. [Form One.] The board of overseers of the poor shall consist of the mayor, who shall be chairman ex officio, and one citizen from each ward, to be elected by the legal voters thereof, and who shall not hold any elective or appointive office under the city council. At the next municipal election after this act shall take effect the legal voters of each ward shall choose one of their number to be a member of said board. On the first Monday of January next following, or as soon thereafter as practicable, said board of overseers shall so assign by lot the terms of the respective members so elected that the terms of one half the members of such board shall

Overseers of
the poor.

expire each year thereafter; and at each succeeding annual municipal election the legal voters of each ward, the term of whose representative in said board expires at the close of such municipal year, shall choose a member of said board for the term of two succeeding municipal years: *provided, however*, that if in any year of a new division of the city into wards the number of the wards shall be changed, the terms of office of all the overseers of the poor shall expire at the end of the municipal year in which the division is made, and at the municipal election occurring in such year an overseer of the poor shall be elected from each ward under such new division. The board of overseers of the poor so elected shall directly after its organization so assign by lot the terms of the respective members so elected that the terms of one half the members of the board so elected, as near as may be, shall expire each year thereafter. In case of a vacancy in said board the city council shall fill such vacancy by electing a citizen from the ward in which said vacancy exists, to serve for the remainder of the municipal year in which such vacancy occurs; and at the next annual municipal election the legal voters of said ward shall choose a member of said board of overseers to fill any unexpired term. The members of the board of overseers of the poor shall be sworn to the faithful discharge of their duties, and shall serve until their successors are chosen and qualified. They may appoint a secretary and superintendent and such other subordinate officers as the ordinances of the city may require, and may define the duties of said officers: *provided, however*, that the compensation of said officers shall be established by the city council. Said board shall have all the powers heretofore conferred upon the overseers of the poor of the city of Lowell, by any general or special law, and all the powers of overseers of the poor in towns; and in addition thereto, said board shall be subject to such regulations as the city council may by ordinance establish.

Vacancies.

Secretary,
superintendent,
etc.

Overseers of the
poor.

[Form Two.] The board of overseers of the poor shall consist of the mayor, who shall be chairman *ex officio*, and six other citizens, neither of whom shall hold any other elective or appointive office under the city council, and shall be chosen by concurrent vote of the city council, in the month of January in each year, in the manner following, and each ward of the city shall have no more than

one representative on said board. In the month of January in the year eighteen hundred and ninety-three three citizens shall be elected to serve for one year and three for two years, and thereafter in the month of January of each year three citizens shall be elected to serve for two years: *provided, however*, that if in any year of a new division of the city into wards the number of wards shall be increased, a member of said board shall be elected for each new ward, to serve for the term of two years as hereinbefore provided for. In case of a vacancy in said board the city council shall fill such vacancy by electing a citizen from the ward wherein said vacancy exists, to serve for the remainder of said term. The members of the board of overseers of the poor shall be sworn to the faithful discharge of their duties and shall serve until their successors are chosen and qualified. They may appoint a secretary and superintendent and such other subordinate officers as the ordinances of the city may require, and may define the duties of said officers: *provided, however*, that the compensation of said officers shall be established by the city council. Said board shall have all the powers heretofore conferred upon the overseers of the poor of the city of Lowell, by any general or special law, and all the powers of overseers of the poor in towns; and in addition thereto said board shall be subject to such regulations as the city council may by ordinance establish.

Vacancies.

Secretary,
superintendent,
etc.

SECTION 28. The persons heretofore elected as members of the school committee shall continue in office according to the tenure thereof. At each annual election of municipal officers hereafter, the qualified voters of each ward shall elect one person, being an inhabitant of said ward, to serve as a member of the school committee for the term of two municipal years from the first Monday of January next following such election. The school committee shall be the final judges of the qualifications and election of their own members. If the number of wards shall at any time be increased, each additional ward shall, at the next annual election for municipal officers thereafter, elect one person to serve as a member of the school committee for the term of one municipal year, and one person to serve for the term of two municipal years, from the first Monday of January next following such election. The mayor and president of the common council, together

School com-
mittee.

Members.

with the persons elected as aforesaid, shall constitute the school committee of Lowell, and shall have all the powers vested in school committees by the general laws of the Commonwealth or any special law for the city of Lowell. A majority of the persons duly elected shall constitute a quorum for the transaction of business, and the mayor may preside at all meetings of the school committee. It shall be the duty of the school committee to exercise the same supervision and control over any institution of instruction and house of reformation established by the city council as they are by law required to exercise over the public schools, as far as practicable. Whenever any person elected a member of the school committee shall die, remove from the city, or refuse in writing, addressed to the board of aldermen for the time being, to accept the office, before entering upon the duties thereof, the board of aldermen shall make a record of the fact, and thereupon issue their warrant for an election to fill such vacancy, to be held at such time as they shall deem advisable. In case of a vacancy in the office of a member of the school committee the mayor shall call a joint convention of the board of aldermen and of the school committee, at which the chairman of the board of aldermen shall preside, and such vacancy shall by vote of a majority of all the members of the two bodies be filled by the election of a member from the ward in which the vacancy exists, to serve until the end of the current municipal year; at the next municipal election the further vacancy, if any, shall be filled for the remainder of the unexpired term in the same manner as the member whose office is vacant was elected.

Vacancies.

Fire department.

SECTION 29. The city council may establish a fire department, to consist of a chief engineer and as many assistant engineers, enginemen, hosemen, hook and ladder men and hydrant men, to be divided into companies, as the city council by ordinance shall from time to time prescribe; and said city council may make provisions in regard to the time and mode of appointment and the occasion and mode of removals of said officers or members, and define their offices and duties, and in general may make such regulations concerning their pay, conduct and government, and concerning the management and conduct of fires, and persons attending fires, subject to all penalties provided for breach of city ordinances, as they shall

deem expedient: *provided*, that the appointment of chief engineer, assistant engineers, enginemen, hosemen, hook and ladder men and hydrant men, shall be made by the mayor and aldermen exclusively. The engineers and other officers of the fire department so appointed shall have the same authority in regard to the prevention and extinguishment of fires and the performance of the other offices and duties now incumbent upon firewards as are now conferred upon firewards by general laws, and the compensation of the fire department shall be fixed by the city council.

Appointments
by mayor and
aldermen.

SECTION 30. [Form One.] All officers of said city not herein provided for shall be elected for such terms as the city council shall direct, and shall be nominated by the mayor, subject to confirmation or rejection by the board of aldermen.

Officers not
otherwise pro-
vided for.

[Form Two.] All officers of said city not herein provided for shall be elected in such manner and for such terms as the city council may direct.

SECTION 31. Every ordinance, order, resolution or vote to which the concurrence of the board of aldermen and of the common council may be necessary, except on the question of a convention of the two branches, and every order of either branch involving the expenditure of money or affecting the public interests, shall be presented to the mayor. If he approve thereof he shall signify his approval by signing the same, but if he does not approve thereof he shall return the same with his objections in writing to the branch in which it originated. Such branch shall cause the objections of the mayor to be entered at length upon its records and shall proceed to reconsider said ordinance, order, resolution or vote, and if after such reconsideration two thirds of the members of said branch present and voting shall vote to pass the same, notwithstanding such objections, it shall be in force, unless it originally required concurrent action, in which case it shall, together with the objections of the mayor, be sent to the other branch of the city council, where it shall also be reconsidered, and if it be approved by two thirds of the members of such other branch present and voting, it shall likewise be in force, but in all cases the vote thereon shall be taken by yeas and nays. If any such ordinance, order, resolution or vote shall not be returned by the mayor to the branch in which it origi-

Ordinance,
order, etc., in-
volving an ex-
penditure of
money, etc.

nated, within ten days after it shall have been presented to him, the same shall be in force: *provided, however,* that if any such ordinance, order, resolution or vote shall have been passed by the city council within five days next preceding the expiration of the term of office of said city council, and shall not be approved of by the mayor, the same shall be void. The mayor may except from his approval of any ordinance, order, resolution or vote which he has the power to veto, any portion involving a distinct item of expenditure. In such case instead of returning the original he shall transmit a copy of such portion not approved, which portion shall be reconsidered in the manner and with the effect herein provided for. No contract shall bind the city to the expenditure of a sum exceeding five hundred dollars unless the same be in writing, executed and approved by the mayor on behalf of the city: *provided, however,* that this clause shall not apply to specific contracts made in pursuance of a special vote of the city council or either branch thereof, passed in conformity to the requirements of this section.

Repeal.

SECTION 32. Chapter one hundred and twenty-eight of the acts of the year eighteen hundred and thirty-six, chapter one hundred and eighty-one of the acts of the year eighteen hundred and thirty-eight, chapter one hundred and twenty of the acts of the year eighteen hundred and forty-one, chapter two hundred and three of the acts of the year eighteen hundred and forty-five, chapter thirty-five of the acts of the year eighteen hundred and forty-six, chapter eighty-two of the acts of the year eighteen hundred and forty-seven, chapter one hundred and eighty-two of the acts of the year eighteen hundred and forty-nine, chapter three hundred and twenty of the acts of the year eighteen hundred and fifty-one, chapter two hundred and seven of the acts of the year eighteen hundred and fifty-six, chapter one hundred and eighty-two of the acts of the year eighteen hundred and sixty-one, chapter one hundred and forty-eight of the acts of the year eighteen hundred and seventy, chapter two hundred and forty-five of the acts of the year eighteen hundred and seventy-four, chapter one hundred and seventy-three of the acts of the year eighteen hundred and seventy-five and chapter one hundred and thirty-eight of the acts of the year eighteen hundred and seventy-nine, and all other acts and parts of acts inconsistent herewith, are hereby

repealed; but such repeal shall not revive any act heretofore repealed, nor shall the repeal of said acts or the annulling of ordinances inconsistent herewith affect any act done, liability incurred, or any right accrued or established, or any suit or prosecution, civil or criminal, to enforce any right or penalty or punish any offence under the authority of said ordinances.

SECTION 33. The mayor and aldermen of the city of Lowell shall submit this act, as hereinbefore set forth, to the qualified voters of the city of Lowell at a special or annual election to be held within one year from its passage. At such election the vote shall be taken by ballot in accordance with the provisions of law relating to elections in cities, so far as the same shall be applicable, in answer to the following propositions, which shall be set forth in said ballot in the following form:—

To be submitted to voters within one year.

(Mark a cross opposite the answer you wish to give.)

(1.) Shall the city charter be revised in accordance with an act of the general court of the year eighteen hundred and ninety-three, entitled, "An act to revise the charter of the city of Lowell"?

YES.	
NO.	

Form of questions.

(2.) Shall the mayor have the power to suspend for seven days any officer not elected by the people, except the principal assessors, the city clerk and assistant, the city treasurer, auditor, messenger, solicitor and those appointed by the school committee?

(If he may so suspend answer YES; if not answer NO.)

YES.	
NO.	

(3.) Shall the city clerk be chosen by the mayor and aldermen instead of by concurrent action of the city council?

(If by the mayor and aldermen answer YES; if by the city council answer NO.)

YES.	
NO.	

(4.) Shall the city treasurer be chosen by the mayor and aldermen instead of by concurrent vote of the city council?

(If by the mayor and aldermen answer YES; if by the city council answer NO.)

YES.	
NO.	

(5.) Shall the assessors and assistant assessors be chosen by the mayor and aldermen instead of in the manner the city council may direct?

(If by the mayor and aldermen answer YES; if not answer NO.)

YES.	
NO.	

(6.) Shall the overseers of the poor be chosen by the people, by wards, instead of by the city council?

(If the people are to choose them answer YES. YES; if the city council answer NO.)

(7.) Shall all other officers of the city not elected by the people be chosen by the mayor and aldermen instead of in the manner the city council may direct?

(If by the mayor and aldermen answer YES. YES; if not answer NO.)

Questions to be determined by majority vote.

If a majority of the qualified voters of such city voting at such election shall so consent to such a revision of the city charter then the charter of such city shall conform to and be as hereinafter set forth and as determined by the vote upon the optional provisions. If the larger number of votes upon the second proposition shall be in the affirmative then section fifteen shall be applicable and take effect in said city in the form numbered one of said section as herein set forth; but if the larger number of votes upon said proposition shall be in the negative then the said section shall take effect and be applicable in the form thereof numbered two. If the larger number of votes upon the third proposition shall be in the affirmative then section seventeen shall be applicable and take effect in said city in the form numbered one of said section as herein set forth; but if the larger number of votes upon said proposition shall be in the negative then the said section shall take effect and be applicable in the form thereof numbered two. If the larger number of votes upon the fourth proposition shall be in the affirmative then section eighteen shall be applicable and take effect in said city in the form numbered one of said section as herein set forth; but if the larger number of votes upon said proposition shall be in the negative then the said section shall take effect and be applicable in the form thereof numbered two. If the larger number of votes upon the fifth proposition shall be in the affirmative then section twenty-two shall be applicable and take effect in said city in the form numbered one of said section as herein set forth; but if the larger number of votes upon said proposition shall be in the negative then the said section shall take effect and be applicable in the form thereof numbered two. If the larger number of votes upon the sixth proposition shall be in the affirmative then section twenty-seven shall be applicable and take effect in said city in the form numbered one of said section as herein set

forth; but if the larger number of votes upon said proposition shall be in the negative then the said section shall take effect and be applicable in the form thereof numbered two. If the larger number of votes upon the seventh proposition shall be in the affirmative then section thirty shall be applicable and take effect in said city in the form numbered one of said section as herein set forth; but if the larger number of votes upon said proposition shall be in the negative then the said section shall take effect and be applicable in the form thereof numbered two. In case of an equal number of votes, or a failure to vote upon either the second, third, fourth, fifth, sixth or seventh proposition, the proposition in such case shall be held to be answered in the affirmative.

SECTION 34. The mayor and aldermen shall forthwith make return of the votes cast under the several propositions to the secretary of the Commonwealth. If it shall appear that a majority of the voters of the city of Lowell, voting upon the first proposition, have voted in favor of such revision of the charter of the city of Lowell, as in said first proposition set forth, then the secretary of the Commonwealth shall cause a copy of the provisions of the revised charter, in the form in which it has been consented to by vote of the qualified voters of said city in response to the second, third, fourth, fifth, sixth and seventh propositions, to be properly engrossed and attested and delivered to the city clerk of said city. The revised charter, as so consented to, shall constitute the powers, privileges and immunities to be in force and effect for the government of such city to the extent and in the manner in the several sections thereof set forth. The secretary of the Commonwealth shall cause to be printed in one or more newspapers published in said city the official notification of the result of the votes given as aforesaid, and a statement of his delivery of a copy of the revised charter as consented to in accordance with the aforesaid requirements. He shall likewise cause a copy of the revised charter, so consented to, to be printed in connection with the acts and resolves of the general court of the next succeeding year.

SECTION 35. The city clerk of said city shall, not less than one week before the election at which this act is submitted to the people, transmit by mail or otherwise to every registered voter in said city, a copy of this act.

SECTION 36. So much of this act as authorizes the submission of the question of its acceptance to the voters

Return of votes.

Copy of charter to be sent to city clerk.

Revised charter to constitute powers, privileges, etc., of city.

Publication.

Copy of act to be sent to voters.

When to take effect.

of said city shall take effect upon its passage. If this act shall be accepted in manner aforesaid it shall take effect for the election of municipal officers at the annual municipal election on the first Tuesday of December next after its acceptance, and for all other purposes, except as above-specified, it shall take effect at the beginning of the municipal year in January next following its acceptance.

Approved June 6, 1893.

Chap.430 AN ACT RELATIVE TO THE APPOINTMENT OF ASSESSORS FOR THE CITY OF NEW BEDFORD.

Be it enacted, etc., as follows:

Assessors, ap-
pointment.

SECTION 1. Annually in the month of January the mayor of the city of New Bedford shall appoint, subject to the confirmation of the city council of said city sitting in joint convention, one person to be assessor at large, to hold office for three years from the first day of February in the year in which such person is appointed and until his successor is appointed and qualified in his stead. The mayor with the consent of the city council may at any time remove any assessor. Whenever any vacancy shall occur by death, resignation, removal or otherwise, in the office of any assessor, said vacancy shall be filled by appointment, in the manner aforesaid, of another assessor, who shall hold office for the residue of the unexpired term and until his successor is appointed and qualified in his stead.

Removals,
vacancies, etc.

Repeal.

SECTION 2. All provisions of law relating to the election of assessors at large in the city of New Bedford, and inconsistent herewith, are hereby repealed.

Subject to
acceptance by
majority vote.

SECTION 3. This act shall be submitted to the qualified voters of said city for acceptance at the next annual municipal election held therein, and if accepted by a majority of said voters present and voting thereon at said election it shall take effect from the date of such acceptance.

Approved June 9, 1893.

Chap.431 AN ACT RELATING TO CLERICAL ASSISTANCE IN THE OFFICE OF THE REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

Clerical assist-
ance.

SECTION 1. The register of probate and insolvency for the county of Suffolk shall be allowed, in addition to the

amount now allowed by law, such sums as the board of aldermen by vote approve, for clerical assistance actually performed, to be paid from the treasury of the county of Suffolk upon the official certificate of said register, countersigned by the judge of probate and insolvency for said county.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1893.

AN ACT RELATIVE TO THE COLLECTION OF TAXES ON COLLATERAL LEGACIES AND SUCCESSIONS.

Chap.432

Be it enacted, etc., as follows:

SECTION 1. The treasurer and receiver general is authorized to expend a sum not exceeding one thousand dollars annually, for extra clerical assistance in the assessment and collection of taxes on collateral legacies and successions, under chapter four hundred and twenty-five of the acts of the year eighteen hundred and ninety-one; and he may, if he deems it best so to do, assign such portions of the work as can be performed by that officer without detriment to the public service, to the deputy sealer of weights and measures, to whom such compensation, in addition to his salary of deputy sealer of weights and measures, as the treasurer and receiver general may deem proper, may be paid from the amount herein authorized to be expended.

Extra clerical assistance in office of treasurer and receiver general.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1893.

AN ACT TO AUTHORIZE THE TOWN OF MELROSE TO MAKE AN ADDITIONAL WATER LOAN.

Chap.433

Be it enacted, etc., as follows:

SECTION 1. The town of Melrose, for the purpose of extending and improving its system of water works, may issue bonds, notes or scrip to an amount not exceeding fifty thousand dollars in addition to the amount which it is now authorized to issue. Such bonds, notes and scrip shall bear on their face the words, Melrose Water Loan, Act of 1893; shall be payable at the expiration of periods not exceeding twenty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding four per cent. per annum, and shall be signed by the treasurer and be countersigned by the water commission-

Melrose Water Loan, Act of 1893.

ers of said town. Said town may sell such securities at public or private sale, but none of said bonds, notes or scrip shall be issued or sold except in compliance with a vote of the town.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1893.

Chap. 434 AN ACT REQUIRING A COPY OF THE APPLICATION TO BE ATTACHED TO INSURANCE POLICIES IN CERTAIN CASES.

Be it enacted, etc., as follows:

SECTION 1. Section seventy-three of chapter two hundred and fourteen of the acts of the year eighteen hundred and eighty-seven as amended by chapter three hundred and seventy-two of the acts of the year eighteen hundred and ninety-two is hereby amended by inserting in the twenty-ninth line thereof, after the word “misleading”, the following words: — and *provided, further*, that every policy which contains a reference to the application of the insured, either as a part of the policy or as having any bearing thereon, must have attached thereto a correct copy of the application, and unless so attached the same shall not be considered a part of the policy or received in evidence. Each application for such policy shall have printed upon it in large bold faced type the following words: — Under the laws of Massachusetts, each applicant for a policy of insurance to be issued hereunder is entitled to be furnished with a copy of this application attached to any policy issued thereon, — so as to read as follows: — *Section 73.* When a policy of insurance is effected by any person on his own life, or on another life in favor of some person other than himself having an insurable interest therein, the lawful beneficiary thereof, other than himself or his legal representatives, shall be entitled to its proceeds, against the creditors and representatives of the person effecting the same: *provided*, that, subject to the statute of limitation, the amount of any premiums for said insurance paid in fraud of creditors, with interest thereon, shall inure to their benefit from the proceeds of the policy; but the company issuing the policy shall be discharged of all liability thereon by payment of its proceeds in accordance with its terms, unless, before such payment, the company shall have written notice by or in behalf of some creditor, with specification of the amount claimed, claiming to recover for certain premiums paid in fraud of creditors.

1887, 214, §73,
1892, 372,
amended.

Rights of cred-
itors and benefi-
ciary.

Proviso.

In any claim arising under a policy which has been issued in this Commonwealth by any life insurance company, without previous medical examination, or without the knowledge and consent of the insured, or, in case said insured be a minor, without the consent of the parent, guardian or other person having legal custody of said minor, the statements made in the application as to the age, physical condition and family history of the insured shall be held to be valid and binding upon the company : *provided, however*, that the company shall not be debarred from proving as a defence to such claim that said statements were wilfully false, fraudulent, or misleading ; and *provided, further*, that every policy which contains a reference to the application of the insured, either as a part of the policy or as having any bearing thereon, must have attached thereto a correct copy of the application, and unless so attached the same shall not be considered a part of the policy or received in evidence. Each application for such policy shall have printed upon it in large bold faced type the following words : — Under the laws of Massachusetts, each applicant for a policy of insurance to be issued hereunder is entitled to be furnished with a copy of this application attached to any policy issued thereon. Any solicitor, agent, examining physician or other person who shall knowingly or wilfully make any false or fraudulent statement or representation in or with reference to any application for insurance, or who shall make any such statement for the purpose of obtaining any fee, commission, money or benefit in any corporation transacting business under this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than one year, or both, at the discretion of the court ; and any person who shall wilfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a policy or certificate holder in any such corporation, for the purpose of procuring payment of a benefit named in the certificate of such holder, shall be guilty of perjury, and shall be proceeded against and punished as provided by the statutes of the Commonwealth in relation to the crime of perjury.

When policy is issued without medical examination, statement, etc., to be valid and binding.

Proviso.

Copy of application to be attached to certain policies, etc.

Penalties.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1893.

Chap. 435 AN ACT IN RELATION TO THE CONSTRUCTION OF A SEA WALL AND THE EXTENSION OF THE CHARLES RIVER EMBANKMENT BY THE CITY OF BOSTON.

Be it enacted, etc., as follows:

1891, 344, §1,
amended.

Construction of
sea wall and
extension of
Charles river
embankment.

SECTION 1. Section one of chapter three hundred and forty-four of the acts of the year eighteen hundred and ninety-one is hereby amended by inserting at the end of said section the words: — to a point one hundred feet or less distant from said sea wall in the rear of Beacon street; thence by a line parallel with said wall to the westerly line of the public park of said city, known as the Back Bay fens, extended to intersect said line parallel with said sea wall, — so as to read as follows: — *Section 1.* The city of Boston may, by its board of park commissioners, build a sea wall on the Boston side of the Charles river from the sea wall of its present park, situated between Craigie's bridge and West Boston bridge, to the sea wall of said river in the rear of Beacon street in said city, on or within the following lines: Beginning at a point in the southwest corner of the stone wall of the Charles river embankment, or Charlesbank, thence running southerly by a straight line to a point in Charles river three hundred feet distant westerly from the harbor commissioners' line, measuring on a line perpendicular to the said commissioners' line at its intersection with the southerly line of Mount Vernon street; thence continuing southerly and westerly from the aforesaid perpendicular line, on such lines curved southerly and westerly from the aforesaid straight line, as said board of harbor and land commissioners shall approve, to a point one hundred feet or less distant from said sea wall in the rear of Beacon street; thence by a line parallel with said wall to the westerly line of the public park of said city, known as the Back Bay fens, extended to intersect said line parallel with said sea wall.

1891, 344, §5,
amended.

SECTION 2. Section five of chapter three hundred and forty-four of the acts of the year eighteen hundred and ninety-one is hereby amended by inserting at the end of said section the words: — and the said city of Boston is hereby authorized to make any contracts with the riparian owners and any other parties as to the building of the sea wall, the filling of said flats, and the future use thereof when filled, subject to the express condition that the flats

filled under the authority hereby granted shall not be used for building purposes, or for any other purpose than for public ornamental grounds and a park way, — so as to read as follows : — *Section 5.* Any person whose lands, flats or rights are taken under authority of this act shall have the same rights and remedies in obtaining damages for such taking as persons injured by the taking of their lands for highways in said city, except as above provided ; and the said city of Boston is hereby authorized to make any contracts with the riparian owners and any other parties as to the building of the sea wall, the filling of said flats, and the future use thereof when filled, subject to the express condition that the flats filled under the authority hereby granted shall not be used for building purposes, or for any other purpose than for public ornamental grounds and a park way.

Rights and remedies for lands, etc., taken, contracts, etc.

SECTION 3. The material used for the filling authorized by said chapter shall, to such grade as shall be required by the board of harbor and land commissioners, be dredged from Charles river basin, in such places and to such depths as the said board, having due regard to the requirements of navigation, the improvement of said basin and the quality of material suitable for such filling, shall from time to time prescribe. The said city shall, in addition to the said dredging of material for filling, dredge from the said river, in such places as the said board may designate, an amount of material between the planes of mean high and mean low water which, with the material excavated between said planes for said filling, shall equal the amount of tide water displaced by all the filling done under authority of this act. Said board may in their discretion accept, in lieu of any portion of said dredging between said planes of high and low water, other dredging or excavation in the said river which in their judgment is an equal improvement to the harbor of Boston. All of the filling, dredging and other work authorized or required by this act shall be subject to the direction and approval of said board and to the provisions of all general laws applicable thereto. The filling, dredging and other work authorized by this act shall also be subject to the approval of the secretary of war and to all laws of the United States applicable thereto.

Grading, dredging, etc., under direction of harbor and land commissioners.

Subject to approval of secretary of war, etc.

SECTION 4. This act shall take effect upon its passage.

Approved June 9, 1893.

Chap.436 AN ACT RELATIVE TO DISCRIMINATIONS IN PUBLIC PLACES ON
ACCOUNT OF RACE OR COLOR.

Be it enacted, etc., as follows:

1885, §16, §1,
amended.

Penalty for
discrimination
in public places
on account of
race or color.

Section one of chapter three hundred and sixteen of the acts of the year eighteen hundred and eighty-five is hereby amended by striking out in the eighth line, before the word "inn", the word "or", and by inserting in the same line, after the word "inn", the words: — barber's shop or other public place kept for hire, gain or reward, — so as to read as follows:— *Section 1.* Whoever makes any distinction, discrimination or restriction on account of color or race, or except for good cause in respect to the admission of any person to, or his treatment in, any theatre, skating rink or other public place of amusement, whether such theatre, skating rink or place be licensed or not, and whether it be required to be licensed or not, or public conveyance, public meeting, inn, barber's shop or other public place kept for hire, gain or reward, whether licensed or not licensed, shall be punished by fine not exceeding one hundred dollars.

Approved June 9, 1893.

Chap.437 AN ACT IN RELATION TO SIDEWALKS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Construction
and maintenance
of sidewalks in
Boston;
assessments.

Deduction from
assessments.

SECTION 1. The board of mayor and aldermen of the city of Boston may grade and construct sidewalks, and complete any partially constructed sidewalk in any street of such city as the public convenience may require, with or without edgestones, as said board shall deem expedient, and may cover the same with brick, flat stones, concrete, gravel or other appropriate material, and may assess upon the abutters on such sidewalks in just proportions, not exceeding one half of the expense of the same; but all assessments so made shall constitute a lien upon the abutting land, and be collected in the same manner as taxes on real estate are now collected; and such sidewalks, when constructed with edgestones and covered with brick, flat stones or concrete, shall afterwards be maintained at the expense of such city. When any such sidewalk shall be permanently constructed with edgestones and covered with brick, flat stones or concrete, as aforesaid, there shall be deducted from the assessment therefor any sum

which shall have been previously assessed upon the abutting premises and paid to the city for the expense of the construction of the same in any other manner than with edgestones and with brick, flat stones or concrete as aforesaid; and such deduction shall be made pro rata and in just proportions from the assessments upon different abutters who at the time of such assessments are owners of the estate which at the time of such former assessments was the estate of the abutters who had previously paid such former assessments.

SECTION 2. In estimating the damage sustained by any party by the construction of sidewalks as aforesaid there shall be allowed by way of set-off the benefit, if any, to the property of the party by reason thereof. Estimate of damage.

SECTION 3. All acts and parts of acts inconsistent with this act are hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.
Approved June 9, 1893.

AN ACT RELATIVE TO THE PRINTING OF THE REPORT OF THE
ADJUTANT GENERAL. Chap.438

Be it enacted, etc., as follows :

SECTION 1. There shall be printed annually twenty-five hundred copies of the report of the adjutant general. Adjutant general's report.

SECTION 2. This act shall take effect upon its passage.
Approved June 9, 1893.

AN ACT RELATIVE TO THE REPAIR OF UNIFORMS AND INCIDENTAL
EXPENSES OF THE VOLUNTEER MILITIA. Chap.439

Be it enacted, etc., as follows :

SECTION 1. Section one hundred and thirty-three of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three is hereby amended by adding at the end thereof the following words :— There shall be allowed and paid annually to each separate battalion headquarters, corps of cadets, company, signal and ambulance corps, an amount equal to one dollar and seventy-five cents for each enlisted man in each of such organizations, based upon the average attendance at tours of duty, inspections and other duly ordered state duty, during the year ending with the first day of November, for repair of the uniforms and other property of the Commonwealth, and incidental expenses of the several organ- 1893, 367, §133, amended.

Postage, stationery, repairs and incidentals.

izations, — so as to read as follows:— *Section 133.* There shall be allowed annually for postage, stationery and office incidentals: To each brigade headquarters, ten dollars for each regiment, battalion, unattached company, signal and ambulance corps in such brigade; to each regimental and separate battalion headquarters, ten dollars for each company in such regiment or battalion; to each corps of cadets, twenty-five dollars; and to each company, signal and ambulance corps, ten dollars. There shall be allowed and paid annually to each separate battalion headquarters, corps of cadets, company, signal and ambulance corps, an amount equal to one dollar and seventy-five cents for each enlisted man in each of such organizations, based upon the average attendance at tours of duty, inspections and other duly ordered state duty, during the year ending with the first day of November, for repair of the uniforms and other property of the Commonwealth, and incidental expenses of the several organizations.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1893.

Chap. 440 AN ACT TO PROTECT THE OWNERS OF CANS, BOTTLES, BOXES, SIPHONS AND FOUNTAINS USED IN THE SALE OF MILK, CREAM, SODA WATER, MINERAL AND AERATED WATERS, ALE, BEER, GINGER ALE OR OTHER BEVERAGES.

Be it enacted, etc., as follows:

Filing and publication of certain trade-marks, etc.

SECTION 1. All persons and corporations engaged in manufacturing, bottling or selling milk, cream, soda water, mineral or aerated waters, ale, beer, ginger ale or other beverages, in cans, bottles, siphons and fountains, with their name or other mark or device, together with the word “registered”, branded, engraved, blown or otherwise produced upon such cans, bottles, siphons or fountains, or the boxes used by them, may file in the office of the clerk of the city or town in which their principal place of business is situated, and also in the office of the secretary of the Commonwealth, a description of the name or names, mark or marks, device or devices so used by them, and cause such description to be published once each week for four weeks successively in a newspaper published in the city or town in which said description has been filed as aforesaid, except that where there is no newspaper published in said city or town, then such publication may be

made in any newspaper published in the county in which said city or town is situated.

SECTION 2. It is hereby declared unlawful for any person or corporation to fill with milk, cream, soda water, mineral or aerated waters, ale, beer, ginger ale or other beverages, with intent to sell the same, any can, bottle, siphon, fountain or box, marked or distinguished as aforesaid, the description of which shall have been filed and published as provided in section one of this act, or to deface, erase or cover up, or otherwise remove or conceal any such name, mark or device, or the word "registered", thereon, or to sell, buy, give, take or otherwise dispose of or traffic in the same, without the written consent of, or unless the same shall have been purchased from, the person or persons, or corporation or corporations, whose name, mark or device, together with the word "registered", shall be or shall have been in or upon the can, bottle, siphon, fountain or box so filled, defaced, trafficked in, or otherwise used or disposed of as aforesaid. Any person or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished for the first offence by imprisonment not less than ten days nor more than one year, or by a fine of not less than fifty cents for each can, bottle, siphon, fountain or box so filled, defaced, trafficked in or otherwise used or disposed of as aforesaid, or by both such fine and imprisonment; and for each subsequent offence by imprisonment not less than twenty days nor more than one year, or by a fine of not less than one dollar nor more than five dollars for each can, bottle, siphon, fountain or box so filled, defaced, trafficked in or otherwise used or disposed of as aforesaid.

Unlawful use of certain articles; defacing, removing, etc., certain trade-marks, etc.

Penalties.

SECTION 3. The use by any person or corporation engaged in manufacturing, bottling or selling milk, cream, soda water, mineral or aerated waters, ale, beer, ginger ale or other beverages, of any can, bottle, siphon, fountain or box, marked or distinguished as aforesaid, the description of the name, mark or device on which shall have been filed and published as provided in section one of this act, without the written consent of or purchase from the owner as aforesaid, or the buying, selling, disposing of or trafficking in such cans, bottles, siphons, fountains or boxes, by such person or corporation without such written consent of or purchase from the owner,

Presumptive evidence of unlawful use, traffic, etc.

or the having by any junk dealer or dealer in secondhand articles, possession of any such cans, bottles, siphons, fountains or boxes, without the written consent or purchase from the owner thereof, shall be presumptive evidence of unlawful use, possession of or traffic in the same.

Complaint,
search warrant,
judicial inquiry,
etc.

SECTION 4. Whenever any person or corporation who has complied with section one of this act, or their agent, shall make oath before any judge of a municipal, district or police court, or before any trial justice, that he has reason to believe and does believe that any of their cans, bottles, siphons, fountains or boxes, marked or distinguished as provided in section one of this act, the description of the name, mark or device on which, together with the word "registered", shall have been filed and published as provided in the same section, are being unlawfully used or filled by any person or corporation engaged in manufacturing, bottling or selling milk, cream, soda water, mineral or aerated waters, ale, beer, ginger ale or other beverages, or that any junk dealer or dealer in secondhand articles, vendor of cans or bottles, has any such cans, bottles, siphons, fountains or boxes in his possession, or secreted in any place, said judge or trial justice shall thereupon issue a search warrant, to discover and obtain the same; and may also cause to be brought before him the person or corporation in whose possession such cans, bottles, siphons, fountains or boxes are found, and shall thereupon inquire into the circumstances of such possession; and if said judge or trial justice finds that such person or corporation has been guilty of a violation of section two of this act, he shall impose the penalty therein prescribed, and shall also award possession of the property taken upon such search warrant to the owner thereof.

To take effect
November 1,
1893.

SECTION 5. This act shall take effect upon the first day of November, in the year eighteen hundred and ninety-three.

Approved June 9, 1893.

Chap. 441

AN ACT TO PROVIDE FOR THE BUILDING OF A STATE PRISON.

Be it enacted, etc., as follows:

Plans, specifications, etc., for
a new state
prison.

SECTION 1. The commissioners of prisons are hereby directed and required to procure plans, specifications and estimates for the erection of a suitable congregate prison, for the safe confinement of such prisoners as by law are

or may be confined in the state prison. Said plans, specifications and estimates shall be in reasonable detail, and shall provide for the accommodation of at least six hundred prisoners, and shall provide in connection therewith and as a part thereof for a suitable prison on the separate confinement plan, so-called, similar in general plan of arrangement and construction to the eastern penitentiary at Philadelphia, to accommodate not less than two hundred prisoners. Said plans, specifications and estimates shall further provide for the requisite walls and fences and for suitable workshops for the employment of prisoners, and for the equipment and furnishing of said buildings, including heating, motive power, cooking, laundry, ventilating, illuminating, plumbing, water supply and sewerage fixtures, pipes, machinery and apparatuses. Said plans, specifications and estimates shall also provide for the household accommodation of the warden and his family, and for such of the other necessary subordinate officers and attendants of the prison as said board may deem necessary. The prison buildings shall be so planned as to admit of future enlargements.

Plans, specifications, etc.

SECTION 2. Said board shall prepare a printed report of their proceedings under this act and submit the same, together with the plans, specifications and estimates in reasonable detail, to the next general court on or before the second Wednesday in January next.

Report with plans, etc., to be submitted to legislature.

SECTION 3. The members of said board shall receive no compensation for their services except for their travelling and other necessary expenses incurred in the performance of their duties as said commissioners under this act.

Travelling expenses, etc., of commissioners of prisons.

SECTION 4. The board of commissioners of prisons may expend, subject to the approval of the governor and council, a sum not exceeding seventy-five hundred dollars in carrying out the provisions of this act.

Expenditure not to exceed \$7,500.

SECTION 5. This act shall take effect upon its passage.

Approved June 9, 1893.

AN ACT TO AUTHORIZE THE TOWN OF WHITMAN TO TAKE AN ADDITIONAL WATER SUPPLY.

Chap. 442

Be it enacted, etc., as follows:

SECTION 1. The town of Whitman may, for the purpose of an additional water supply, take and hold the

Additional water supply.

Additional
water supply.

waters of Silver lake, in such quantities as may be required by said town, and as may be further required for furnishing water to the towns of Hanson and Pembroke and their inhabitants, under the authority granted by section two of this act; and said town of Whitman may also take, by purchase or otherwise, and hold all lands, rights of way and easements necessary for holding and preserving all water taken under the authority of this act, and for conveying the same to any part of said towns; and may erect on the land thus taken or held proper buildings, fixtures and structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under, through or over any lands, water courses, railroads, public or private ways, and along any such way in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town of Whitman may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways. Nothing in this section shall be construed to prevent the granting to the city of Brockton or any other city or town the right to take water from said Silver lake.

Not to prevent
other towns or
cities from
taking water
from Silver
lake.

Towns of Han-
son and Pem-
broke may be
furnished with
water.

Not to abridge
rights, etc., of
other towns.

Town of Whit-
man Water
Loan, Act of
1893.

SECTION 2. The town of Whitman is hereby authorized to furnish, on application, water to the towns of Hanson and Pembroke or their inhabitants, upon such terms as may be fixed by the water commissioners of the town of Whitman; but the provisions of this section shall not abridge or restrict the rights and powers given to said town of Hanson and its inhabitants, and to the towns of Abington and Rockland, by section nine of chapter two hundred and six of the acts of the year eighteen hundred and eighty-five.

SECTION 3. The said town of Whitman may, for the purposes of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip in addition to those heretofore authorized by law, to an amount not exceeding one

hundred and twenty-five thousand dollars. Such bonds, notes and scrip shall bear on their face the words, Town of Whitman Water Loan, Act of 1893; shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding six per cent. per annum, and shall be signed by the treasurer of said town and countersigned by the water commissioners thereof. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

SECTION 4. Sections three and four of chapter one hundred and fifty-two of the acts of the year eighteen hundred and eighty-three, relative to recording a description of land, water rights or other property taken, and relative to the payment of damages therefor, shall apply to the taking of any land, water rights or other property by the town of Whitman under this act.

SECTION 5. This act shall take effect upon its acceptance by a two thirds vote of the voters of the town of Whitman present and voting thereon at a legal town meeting called for the purpose within three years from its passage; but the number of meetings so called in any year shall not exceed three.

Approved June 9, 1893.

AN ACT TO PROTECT PERSONS, ASSOCIATIONS OR UNIONS OF PERSONS IN THEIR LABELS, TRADE-MARKS AND FORMS OF ADVERTISING.

Chap. 443

Be it enacted, etc., as follows:

SECTION 1. Whenever any person, association or union of persons has adopted or shall hereafter adopt for his or its protection, any label, trade-mark or form of advertisement not previously adopted or owned by any other person, firm, association or union, announcing that goods to which such label, trade-mark or form of advertisement is attached were manufactured by such person,

Counterfeiting or imitating of certain trade-marks, labels, etc.

Penalty.

or by a member or members of such association or union, and shall have duly filed copies of the same for record in the office of the secretary of the Commonwealth, as provided in section four of this act, it shall be unlawful for any person or corporation to counterfeit or imitate such label, trade-mark or form of advertisement. Every person violating the provisions of this section shall, upon conviction, be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding six months, or both.

Penalty for using labels, etc., known to be counterfeit, etc.

SECTION 2. Every person who shall use any counterfeit or imitation of any label, trade-mark or form of advertisement of any such person, union or association, copies of which have been duly filed for record in the office of the secretary of the Commonwealth, as provided in section four of this act, knowing the same to be counterfeit or imitation, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding two hundred dollars or by imprisonment not exceeding six months, or both such fine and imprisonment.

Penalty for knowingly using, etc., genuine labels, etc., on other goods, etc.

SECTION 3. Every manufacturer who shall knowingly use or affix the genuine label or trade-mark adopted by any person, association or union, as herein provided, and filed in the office of the secretary of the Commonwealth, as provided in section four of this act, upon any goods not manufactured by such person, or by a member or members of such association or union, shall be punished by a fine not exceeding two hundred dollars or by imprisonment not exceeding one year, or both such fine and imprisonment.

Filing of labels, trade-marks, etc., with secretary of the Commonwealth; fee.

SECTION 4. Every such person, association or union that has heretofore adopted, or shall hereafter adopt, a label, trade-mark or form of advertisement, as provided in section one of this act, may file the same for record in the office of the secretary of the Commonwealth, by leaving two copies, counterparts or facsimiles thereof, with said secretary; and shall file therewith a certificate specifying the name or names of the person, association or union so filing such label, trade-mark or form of advertisement, his or its residence, location or place of business, the class of merchandise and the particular description of goods comprised in such class to which it has been or is intended to be appropriated, and the length of time, if any, during which it has been in use. Such certificate

shall be accompanied by a written declaration, verified under oath by the person or some officer of the association or union by whom it is filed, to the effect that the party so filing such label, trade-mark or form of advertisement has a right to the use of the same, and that no other person, firm, association, union or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the facsimiles, copies or counterparts filed therewith are true and correct. There shall be paid for such filing the fee of one dollar. Any person who shall procure the filing of any label, trade-mark or form of advertisement in the office of the secretary of the Commonwealth, under the provisions of this act, by making any false or fraudulent representation or declaration, verbally or in writing, or by any fraudulent means, shall be liable to pay any damages sustained in consequence of any such filing, to be recovered by the party injured thereby in an action of tort; and shall be punished by a fine not exceeding two hundred dollars or by imprisonment not exceeding six months, or both such fine and imprisonment. Said secretary shall deliver to such person, association or union so filing the same a duly attested certificate of the record of the same, for which he shall receive the fee of one dollar. Such certificate of record shall in all suits and prosecutions under this act be sufficient proof of the adoption of such label, trade-mark or form of advertisement. No label, trade-mark or form of advertisement shall be recorded that would reasonably be mistaken for a label, trade-mark or form of advertisement already on record.

Penalty, etc.,
for false or
fraudulent
representation,
etc.

Certificate of
record; fee.

Proof of adop-
tion. Label, etc.,
not to be re-
corded.

SECTION 5. Every such person, association or union which has adopted a label, trade-mark or form of advertisement, as provided in section one of this act, and that has duly filed copies of the same for record in the office of the secretary of the Commonwealth, as provided in section four of this act, may proceed by suit to enjoin the manufacture, use or sale of any such counterfeits or imitations; and all courts having jurisdiction thereof shall grant injunctions to restrain such manufacture, use or sale, and shall award the complainant in such suit such damages resulting from such wrongful manufacture, use or sale as may by said court be deemed just and reasonable, and shall require the defendant to pay to such person, association or union the profits derived from such wrongful man-

Proceedings for
enjoining the
manufacture,
etc., of counter-
feits, etc.

ufacture, use or sale ; and such court may also order that all such counterfeits or imitations in the possession or under the control of any defendant in such case be delivered to an officer of the court, or to the complainant, to be destroyed. In all cases where such association or union is not incorporated, suits under this act may be commenced and prosecuted by any officer of such association or union, on behalf of and for the use of such association or union, and every member of such association or union shall be liable for costs in any such proceeding.

Rules, regulations, etc., for filing labels, etc.

SECTION 6. The secretary of the Commonwealth is authorized to make rules and regulations, and prescribe forms for the filing of labels, trade-marks and forms of advertisement, under the provisions of this act.

Proof of ownership.

SECTION 7. In any suit or prosecution under the provisions of this act the defendant may show that he or it was the owner of such label, trade-mark or form of advertisement, prior to its being filed under the provisions of this act, and that it has been filed wrongfully or without right, by some other person, association or union.

Approved June 9, 1893.

Chap. 444

AN ACT TO REVISE THE CHARTER OF THE CITY OF WORCESTER.

Be it enacted, etc., as follows :

City of Worcester.

SECTION 1. The inhabitants of the city of Worcester shall continue to be a body politic and corporate, under the name of the City of Worcester, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and appertaining to said city as a municipal corporation.

Government and general management of affairs.

SECTION 2. The government of the city and the general management and control of all the fiscal, prudential and municipal affairs thereof shall be vested in a single officer, to be called the mayor, and in a body to be called the city council, except however that the general management and control of the public schools of the city shall be vested in a school committee. The members of the city council and school committee shall serve without compensation.

Number of wards.

SECTION 3. The territory of the city shall continue to be divided into eight wards, which shall retain their present boundaries until the same shall be changed under the gen-

eral law relating thereto. The number of wards may, in any year fixed by law for a new division of wards in cities, be changed by vote of the city council passed, with the assent of the mayor, at or prior to the making of such division; but the number of wards shall never be less than eight.

SECTION 4. All meetings of the qualified voters of the city for the purpose of voting at elections and for other municipal or legal purposes, shall be called by warrants issued by order of the board of aldermen, which shall be in such form and be served and returned in such manner and at such time as the city council may by ordinance direct.

Warrants for elections, etc.

SECTION 5. The municipal election shall take place annually on the second Tuesday of December, and the municipal year shall begin at ten o'clock in the morning on the first Monday of January, and continue until ten o'clock in the morning on the first Monday of the following January.

Municipal election; municipal year.

SECTION 6. At the municipal election the qualified voters shall give in their votes by ballot for a mayor and for members of the city council and of the school committee, or for such of them as are to be elected, and the person receiving the highest number of votes for any office shall be deemed and declared to be elected to such office; and whenever two or more persons are to be elected to the same office the several persons, up to the number required to be chosen, receiving the highest number of votes shall be deemed and declared to be elected.

Officers to be elected by plurality vote.

SECTION 7. If it shall appear that there is no choice of a mayor, or if the person elected to that office shall refuse to accept the office, or shall die before qualifying, or if a vacancy in the office shall occur more than four months previous to the expiration of the term of service of a mayor, the board of aldermen shall forthwith cause warrants to be issued for a new election, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of a mayor; and such proceedings shall be repeated until the election of a mayor is completed. If the full number of members of the city council then required to be chosen shall not be elected at the annual municipal election, or if a vacancy in the office of a member thereof shall occur more than four months previous to the expiration of his term of office, the board

Vacancies in offices of mayor and city council.

of aldermen shall forthwith cause a new election to be held, as aforesaid, to fill the vacancy. In case a vacancy in the office of mayor or of a member of the city council shall occur within the four months previous to the expiration of his term of office, the city council may, in its discretion, order a new election to be held, as aforesaid, to fill the vacancy.

General meetings of voters.

SECTION 8. General meetings of the qualified voters of the city may from time to time be held, according to the right secured to the people by the constitution of the Commonwealth, and such meetings may, and upon the request in writing of fifty qualified voters setting forth the purposes thereof shall, be called.

City council.

SECTION 9. [Form One.] The city council shall be composed of two branches, one of which shall be called the board of aldermen and the other the common council.

Board of aldermen.

The board of aldermen shall be composed of one member from each ward, who shall be elected by the qualified voters of the entire city. At each annual municipal election, until a new division of the city into wards shall be made, there shall be elected four aldermen, who shall hold office for the two municipal years next succeeding their election. If in any year of a new division of the city into wards the number of the wards shall be changed, the terms of office of all the aldermen shall expire at the end of the municipal year in which the division is made, and at the municipal election occurring in such year aldermen as many in number as there are wards shall be elected. The board of aldermen so elected shall hold office, those from the even numbered wards for one municipal year, and those from the odd numbered wards for the two municipal years next succeeding their election; and thereafter annually there shall be elected for the term of two years, as many aldermen as may be necessary to fill the vacancies occurring by reason of expiration of terms of service. Members of the common council shall be elected by the qualified voters of each ward. The common council shall consist of three members from each ward, who shall be residents of the wards from which they are elected. At each election, until a new division of the city into wards is made, there shall be elected as many common councilmen as may be necessary to fill the vacancies caused by expiration of terms of service, who shall hold office for the two municipal years next succeed-

Common council.

ing their election. In any year when a new division of the city into wards is made the terms of all the members of the common council shall expire at the end of such municipal year. In the municipal election succeeding such new division of the city into wards there shall be elected three common councilmen from each ward, two of those so elected from the even numbered wards to hold office for the two municipal years next succeeding their election, and one of those so elected from the even numbered wards to hold office for one municipal year next succeeding his election; one of those so elected from each of the odd numbered wards to hold office for the two municipal years next succeeding his election, and two of those so elected from the odd numbered wards to hold office for one municipal year next succeeding their election. Thereafter, annually, there shall be elected as many common councilmen for the two municipal years next succeeding their election as may be necessary to fill the vacancies caused by expiration of terms of service.

[Form Two.] The city council shall be composed of two branches, one of which shall be called the board of aldermen and the other the common council. The board of aldermen shall be composed of nine members, who shall be elected annually by and from the qualified voters of the entire city, but no voter shall vote for more than six of the nine aldermen on one ballot, and the nine having the highest number of votes shall be declared elected. Members of the common council shall be elected by the qualified voters of each ward. The common council shall consist of three members from each ward, who shall be residents of the wards from which they are elected. At each election, until a new division of the city into wards is made, there shall be elected as many common councilmen as may be necessary to fill the vacancies caused by expiration of terms of service, who shall hold office for the two municipal years next succeeding their election. In any year when a new division of the city into wards is made the terms of all the members of the common council shall expire at the end of such municipal year. In the municipal election succeeding such new division of the city into wards there shall be elected three common councilmen from each ward, two of those so elected from the even numbered wards to hold office for the two municipal years next succeeding their

City council.

Board of aldermen.

Common council.

election, and one of those so elected from the even numbered wards to hold office for one municipal year next succeeding his election; one of those so elected from each of the odd numbered wards to hold office for the municipal year next succeeding his election, and two of those so elected from the odd numbered wards to hold office for the two municipal years next succeeding their election. Thereafter, annually, there shall be elected as many common councilmen for the two municipal years next succeeding their election as may be necessary to fill the vacancies caused by expiration of terms of service.

Oaths of office
of mayor and
city council.

SECTION 10. The mayor elect and members elect of the city council shall be sworn to the faithful performance of their respective duties; and for that purpose shall meet on the first Monday in January succeeding their election, at ten o'clock in the morning, when such oath may be administered to the mayor elect by any judge of any court of record in the Commonwealth or by any justice of the peace, and to the members elect of the city council, by the mayor or by any justice of the peace. A certificate that such oath has been taken shall be entered in the journals of the board of aldermen and of the common council by their respective clerks. If the mayor elect or any one or more of the members elect of the city council shall not be present on the first Monday in January, to take the oath required of them, or if any of them shall be elected subsequent to the first Monday in January, the oath may be administered to the mayor or aldermen at any meeting of the board of aldermen, and to the common councilmen at any meeting of the common council thereafter, before entering upon office. A certificate that such oath has been taken shall, in case of the mayor, be entered in the journal of both branches of the city council, in the case of a member of the board of aldermen, be entered in the journal of said board, and in the case of a member of the common council, be entered in the journal of the common council at the meeting at which such oath was administered.

City council,
organization.

SECTION 11. Directly after the oaths of office have been administered, each branch of the city council shall meet, the eldest senior member present presiding, and organize by the election by ballot of a president, and no other business shall be in order until a president has been chosen. The two branches shall, by concurrent vote, the

City clerk.

board of aldermen acting first, elect by ballot a city clerk, who shall hold office for the municipal year and until his successor is elected and qualified. The city clerk shall also be the clerk of the board of aldermen; but in case of delay in the election of a city clerk, or in case of a vacancy in the office, the board of aldermen may elect a temporary clerk, who shall act as clerk of the board until a city clerk is chosen and qualified. The city clerk shall be sworn to the faithful discharge of his duties in the presence of the board of aldermen, by the president of the board, or by a justice of the peace. He shall furnish to the clerk of the common council a certified list of all qualified members of the common council, directly after the oaths of office have been administered to them. In case of the temporary absence or disability of the city clerk, the mayor may, with the consent of the board of aldermen, appoint a city clerk pro tempore, who shall be duly sworn. In case of a vacancy in the office the same shall be filled by concurrent vote of the two branches. The city clerk may be removed by the affirmative votes of two thirds of all the members of each branch of the city council. The common council shall elect its own clerk, who shall be sworn to the faithful discharge of his duties in the presence of the council, by the president or by a justice of the peace. The president of the board of aldermen shall preside over all sessions of the board of aldermen and over all joint conventions of the two branches of the city council; he may be removed from office by the affirmative vote of two thirds of all the members of the said board. The president and clerk of the common council may each be removed by the affirmative votes of two thirds of all the members of the common council.

Clerk of common council.

President of board of aldermen.

SECTION 12. Each branch of the city council shall be the judge of the election and qualification of its own members, shall determine the rules for its own proceedings, and may appoint such assistant clerks and other officers as may be necessary for the proper conduct of its own business.

Each branch to be judge of election of its own members, etc.

SECTION 13. The mayor may at any time call a special meeting of the city council or of either branch thereof, by causing a written notice of such meeting, containing a statement of the subjects to be considered thereat, to be left at the usual place of residence of, or to be served per-

Special meetings.

sonally upon, each member, and no other business shall be transacted at such special meeting except by unanimous consent.

Quorum.

SECTION 14. In each branch of the city council a majority of the whole number of members provided to be elected shall constitute a quorum for the transaction of business.

Salary of mayor.

SECTION 15. The salary of the mayor shall be fixed by the city council, but shall not exceed three thousand dollars, and shall not be increased or diminished to take effect during the term for which he is elected.

Votes on appropriations or loans of money.

SECTION 16. All votes of the city council making appropriations or authorizing loans of money shall be in itemized form, and when brought before the city council on recommendation of the mayor, no item of the appropriation or loan in excess of the amount recommended by the mayor shall be passed, except by the affirmative votes of two thirds of the members of each branch present and voting thereon.

Members of city council not to hold other offices, etc.

SECTION 17. No member of the city council shall, during the term for which he is elected, hold any other office or position the salary or compensation for which is payable from the city treasury, nor shall he act as counsel or attorney before the city council or before either branch or any committee thereof.

Employment of labor, making of contracts, etc.

SECTION 18. Neither the city council nor either branch thereof, nor any committee or member thereof, shall directly or indirectly take part in the employment of labor, the expenditure of public money, the purchase of materials or supplies, the construction, alteration or repair of any public works or other property, or in the care, custody or management of the same, or in general in the conduct of the executive or administrative business of the city, except as herein required in providing for the appointment and removal of subordinate officers and assistants, and as may be necessary for defraying the contingent and incidental expenses of the city council or of either branch thereof, nor shall they or either of them take part in the making of contracts, except as may hereafter be otherwise provided by ordinance.

City ordinances, penalties, etc.

SECTION 19. The city council shall have power within said city to make and establish ordinances and to affix thereto penalties for the violation thereof, as herein or by general law provided, without the sanction of any court

or of any justice thereof. All ordinances so made and established shall be forthwith published in the newspapers designated by the board of aldermen, and they shall, unless they contain an express provision for a later date, take effect at the time of their approval by the mayor, or, if a penalty for their violation is provided, at the expiration of thirty days from the day of such approval.

SECTION 20. The city council shall, subject always to the approval of the mayor, have exclusive authority and power to order the laying out, locating anew and discontinuing of, and the making of specific repairs in, all streets and ways and all highways within the limits of the city; to assess the damages sustained thereby by any person, and, except as herein otherwise provided, to act in matters relating to such laying out, locating anew, altering, discontinuing or repairing, but in all such matters action shall first be taken by the board of aldermen. Any person aggrieved by the action of the city council hereunder shall have all the rights and privileges now by law in similar cases allowed in appeals from decisions of selectmen.

Streets, highways, etc.

SECTION 21. Except as herein otherwise provided, the city council shall have and exercise by concurrent vote the legislative powers of towns and of the inhabitants thereof, and shall have and exercise by concurrent vote all the powers now vested by law in the city of Worcester or in the inhabitants thereof as a municipal corporation, and be subject to the duties imposed on city councils; and the board of aldermen shall have and exercise, subject to the approval of the mayor, all the powers given to selectmen of towns and to boards of aldermen of cities, and shall be subject to the duties imposed upon such boards.

General powers and duties of city council.

SECTION 22. The mayor shall be elected from the qualified voters of the city, and shall hold office for the municipal year next succeeding his election and until his successor is elected and qualified, except that when elected to fill a vacancy he shall hold office only for the unexpired term and until his successor is elected and qualified.

Mayor, term of office, etc.

SECTION 23. The mayor shall be the chief executive officer of the city, and the executive powers of the city shall be vested in him and be exercised by him either personally or through the several officers and boards in their respective departments, under his general supervision and control.

Mayor to be chief executive, etc.

Mayor, general powers and duties.

SECTION 24. The mayor shall communicate to the city council such information and shall recommend such measures as, in his judgment, the interests of the city shall require; shall cause the laws, ordinances and orders for the government of the city to be enforced; and shall secure an honest, efficient and economical conduct of the executive and administrative business of the city, and the harmonious and concerted action of the different administrative and executive departments. The mayor may at any time summon heads of departments or subordinate officers for information, consultation, or advice upon the affairs of the city.

Vacancy in office of mayor.

SECTION 25. In case of a vacancy in the office of mayor, or in case of his death, resignation or absence from the Commonwealth, or of his inability from other cause to perform the duties of his office, the president of the board of aldermen shall, under the style of acting mayor, exercise the powers and perform the duties of mayor, except that he shall not, unless authorized thereto in a special instance by the city council, make any permanent appointment or removal from office; nor shall he, unless such disability of the mayor has continued at least ten days, or unless the office of mayor has become vacant, have power to approve or disapprove any ordinance, order, resolution or vote of the city council.

Appointments by mayor and aldermen.

SECTION 26. All officers of the city not elected by the qualified voters shall be resident citizens of the city, and shall, except as herein otherwise provided, or provided by the general laws, or by ordinance, or by provisions of trusts, be appointed by the mayor, subject to confirmation by the board of aldermen, and for such terms respectively as are or may be fixed by law or ordinance, or, in case of an appointment to fill a vacancy, for the unexpired term. No appointment made by the mayor shall be acted upon by the board of aldermen until the expiration of one week after such appointment is transmitted to said board, except by unanimous consent of said board. Any officer so appointed may be removed by the mayor for such cause as he shall deem sufficient and shall assign in his order of removal, and any officer so removed shall not be reinstated save by a three fourths vote of the board of aldermen; the removal shall take effect upon the filing of the order therefor in the office of the city clerk and the service of a copy of such order upon the officer removed,

Removals, etc.

either personally or at his last or usual place of residence. The city clerk shall keep such order on file and subject to public inspection.

SECTION 27. The mayor shall cause to be kept a record of all his official acts, and for that purpose and to aid him in his official duties, he may, without the confirmation of the board of aldermen, appoint one or more clerks.

Mayor's records, clerks, etc.

SECTION 28. All committees, the heads of departments, and all other officers and boards having authority to expend money shall annually, before the tenth day of January, furnish an estimate to the mayor of the money required for their respective departments and offices for one year beginning with the first day of December preceding, and the mayor shall examine such estimates and submit the same, with his recommendations thereon, to the city council on or before the first day of February. The city council shall thereupon make the appropriations for the financial year beginning with the first day of December preceding.

Estimates.

SECTION 29. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made and no liability incurred by or on behalf of the city until the city council has duly voted an appropriation sufficient to meet such expenditure or liability, together with all prior unpaid liabilities which are payable therefrom, except that, after the expiration of the financial year and before the making of the regular annual appropriations, liabilities payable out of the regular appropriation may be incurred to an amount not exceeding one fourth the total of the appropriation made for similar purposes in the preceding year: *provided, however*, that nothing herein contained shall be construed to restrict or limit the school committee in any expenditure which it is now or may be hereafter authorized to make under the general laws of the Commonwealth relating to schools and school committees.

Appropriation, expenditures, liabilities, etc.

SECTION 30. The mayor shall, annually, require all boards and officers intrusted with the receipt and expenditure of public money and with the care and custody of public property, to make and submit to him particular and detailed statements thereof, and he shall cause such statements to be published for the information of the citizens.

Annual statements.

Ordinance, order, etc., involving an expenditure of money, etc.

SECTION 31. Every ordinance, order, resolution or vote to which the concurrence of the board of aldermen and of the common council may be necessary, except on a question of the convention of the two branches, and every order of either branch involving an expenditure of money, shall be presented to the mayor. If he approve thereof he shall signify his approval by signing the same, but if not he shall return the same with his objections to the branch in which it originated, which shall enter the objections of the mayor, at length, upon its records and proceed to reconsider said ordinance, order, resolution or vote, and if, after such reconsideration, two thirds of the board of aldermen or common council, notwithstanding such objections, vote to pass the same, it shall be in force, unless it originally required concurrent action, in which case it shall, together with the objections, be sent to the other branch of the city council, where it shall also be reconsidered, and if approved by two thirds of such other branch, it shall likewise be in force. In all cases the vote shall be taken by yeas and nays. If such ordinance, order, resolution or vote shall not be returned within ten days after it shall have been presented to the mayor, the same shall be in force. He may except from his approval of any ordinance, order, resolution or vote of which he has the power of veto, any portion involving a distinct item of expenditure; in such case instead of returning the original he shall transmit a copy of such portion not approved, which portion shall be reconsidered in the manner and with the effect above provided. The mayor's approval shall likewise be required to, and he shall have a similar power of veto, and with like limitations, over any order or vote of the board of aldermen which involves the exercise of any of the powers conferred by law upon the mayor and aldermen or upon the board of aldermen as a separate board, but nothing herein contained shall affect the powers of said board in relation to votes cast at elections, nor shall the veto power of the mayor extend to elections.

City officers, election by city council.

SECTION 32. The city council shall, annually in the month of January, by concurrent vote, the board of aldermen acting first, elect by ballot a city treasurer, a collector of taxes, a city solicitor, a city auditor, a city messenger, a city engineer, a street commissioner, a superintendent of sewers, a superintendent of lighting streets, a water commissioner, a water registrar, a super-

intendent of public buildings, and an assistant superintendent of public buildings. All the other officials necessary for the management of the affairs of the city whose selection is not otherwise herein provided for, or provided for by the general laws or by ordinance, or by provisions of trusts, shall be appointed by the mayor. All officers appointed by the mayor shall be subject to confirmation by the board of aldermen. The city council may, from time to time, subject to the provisions of this act and in accordance with general laws, if they exist in any particular case, provide by ordinance, by the establishment of additional boards and other offices, for the construction and care of the various public works and buildings, for the management and control of a public library and a public hospital, for the granting of licenses other than licenses for the sale of intoxicating liquors, and for other municipal purposes, but nothing herein contained shall be deemed to affect the provisions of chapter one hundred of the Public Statutes, authorizing the appointment of license commissioners in the city of Worcester, except as hereinafter provided for; may determine the number and duties of the incumbents of such boards and offices, and for such purposes may delegate to such boards and offices the administrative powers given by general laws to city councils and boards of aldermen. The city council may likewise, from time to time, consolidate boards and offices, and may separate and divide the powers and duties of such as have already been established, may increase the number of persons constituting either of the boards hereinbefore specified, and when such increase has been made may subsequently diminish the number, may increase or diminish the number of persons who shall perform the duties of an office or board hereafter established, as hereinbefore provided, and may abolish an office or board so hereafter established.

Appointment by
mayor and
aldermen.

Additional
boards and
offices.

Changes in
boards and
offices.

SECTION 33. The city council shall, by concurrent vote, the board of aldermen acting first, elect by ballot three persons to be assessors of taxes, one person to be elected in the month of January in each year, whose compensation shall be fixed by concurrent vote of the city council, and to hold office for the term of three years from his election. The present assessors shall continue to hold office, unless sooner removed, for two years from the first Monday of January next after their election. In case of

Assessors and
assistant
assessors.

a vacancy in the board of assessors by death, resignation, removal or otherwise, such vacancy shall be filled by the choice of another in the manner aforesaid, who shall hold his office for the unexpired term for which the member in whose place he shall be elected would have held the same. The mayor shall annually in the month of April appoint one person in each ward, who shall be a resident therein, to be an assistant assessor, and such other persons at large to be assistant assessors as the city council from time to time may by ordinance determine. Such assistant assessors, on being confirmed by the board of aldermen, and having been sworn to the faithful performance of their duties, shall be qualified to perform all the duties of assistant assessors. Any vacancy occurring in any such offices, whether from death, resignation or otherwise, shall be filled by appointment, by the mayor, of some person who shall serve during the remainder of such unexpired term. All taxes shall be assessed, apportioned and collected in the manner prescribed by the general laws of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof.

Overseers of the poor.

SECTION 34. The board of overseers of the poor shall consist of nine members, residents of said city. The chairman of the committee on charities on the part of the board of aldermen, the president of the common council, and the chairman of the committee on charities on the part of the common council shall be *ex officio* members of the board. The present members of the board, elected by the city council, shall continue to hold office, unless sooner removed, for three years from the first Monday of January next after their election. The city council shall, by concurrent vote, the board of aldermen acting first, elect by ballot six persons to be members of said board of overseers of the poor, two to be elected in the month of December in each year, and to hold their offices for the term of three years from the first Monday of January then next ensuing, and until others shall be elected and qualified in their places. Vacancies occurring in the board may be filled by the city council in like manner, at any time, the member so elected to hold office for the unexpired term of the member who has ceased to hold office. The board shall be organized annually, on the first Monday of January.

SECTION 35. The city council shall, by concurrent vote, the board of aldermen acting first, elect by ballot a board of five commissioners, one member thereof to be elected each year in the month of January, to hold office for the term of five years, who shall have the sole care, superintendence and management of Hope cemetery. In case of a vacancy in said board of commissioners, by death, resignation, removal or otherwise, such vacancy shall be filled by the choice of another commissioner, in the manner aforesaid, who shall hold his office for the remainder of the term for which the member in whose place he shall be elected would have held the same. Said board may be organized by the choice of a chairman and secretary from their own number, and a major part of said board shall constitute a quorum for the transaction of business. Section one of chapter three hundred and ninety of the acts of the year eighteen hundred and fifty-four is hereby repealed.

Commissioners
of Hope
cemetery.

SECTION 36. The mayor shall have authority to remove for cause any officer elected by the city council whose removal is not otherwise provided for by this act or by ordinance, or by provisions of trusts, and any officer so removed shall not be reinstated save by a two thirds vote of each branch of the city council, voting by yeas and nays. The mayor in his order of removal shall assign the cause for which such action is taken, and the removal shall take effect upon the filing of the order therefor in the office of the city clerk and the service of a copy of such order upon the officer removed, either personally or at his last or usual place of residence. The city clerk shall keep such order on file and subject to public inspection. The city treasurer and the collector of taxes may be removed by the affirmative vote of two thirds of all the members of each branch of the city council. Every administrative officer shall, unless sooner removed, hold office until his successor is elected or appointed and qualified.

Removal of
officers, etc.

SECTION 37. All administrative officers shall be sworn to the faithful discharge of their respective duties, and certificates of their oaths shall be made and kept in the office of the city clerk; and all such boards and other officers shall keep a record of their official transactions, and such record shall be open to public inspection.

Oaths of office,
records, etc.

SECTION 38. The city council may require the city clerk, the city treasurer, the city collector, the city auditor, and such other officers as are intrusted with the

Officers to give
bond.

receipt, care or disbursement of money, to give bonds, with such security as it shall deem proper, for the faithful discharge of their respective duties.

Subordinate
officers, ap-
pointments,
records, etc.

SECTION 39. The administrative boards and officers hereinbefore specified under this act, and every administrative board and officer hereafter established and provided for by the city council under the provisions of this act, and having the charge of a department, shall have the power, except as herein otherwise provided or as may be hereafter provided by ordinance, to appoint and employ and to discharge and remove all subordinate officers, clerks and assistants in their respective departments; and they shall keep a record, subject to inspection, of all so appointed and employed, and of all discharged and removed, and, in case of discharge and removal, of the grounds therefor.

Powers and
duties of boards
and officers.

SECTION 40. The several administrative boards and officers having charge of departments shall, within their respective departments, make and execute all necessary contracts, subject to the provisions of section eighteen of this act, employ all labor, purchase all materials and supplies, have charge of the construction, alteration and repair of all public buildings and works, have the entire care, custody and management of all public works, institutions, buildings and other property, and shall in general have the immediate direction and control of all executive and administrative business; and they shall at all times be accountable for the proper discharge of their duties to the mayor as the chief executive officer of the city. All contracts made in behalf of the city in which the amount involved exceeds three hundred dollars shall, in order to be valid, require the signature of the mayor, and, except as herein otherwise provided or by law required, no expenditure shall be made or liability incurred for any purpose beyond the appropriations previously made therefor.

Police depart-
ment.

SECTION 41. The city council may establish a police department, and provide for the appointment of a chief of police and of other members of the police force by the mayor, or by a police board, or for the appointment of other members of the force by a chief of police to be appointed by the mayor.

Fire depart-
ment.

SECTION 42. The city council may establish a fire department, and provide by ordinance for the election or appointment of a chief engineer and of other members of the department.

SECTION 43. Every administrative board, through its chairman, and every officer having charge of a department, shall, at the request of either branch of the city council, appear before it and give such information as it may require in relation to any matter, act or thing connected with the discharge of the duties of such board or office; and when so requested to appear the officer who appears shall have the right to speak upon all matters under consideration relating to his department.

Administrative board to give information to city council.

SECTION 44. The qualified voters of each ward shall elect by ballot three persons in each ward, who shall be residents of the ward, to be members of the school committee, one person to be chosen in each ward at their respective annual meetings for the term of three years; and the persons so chosen shall constitute the school committee and have the care and superintendence of the public schools. If however in any year there shall be a new division of the city into wards, the terms of office of all the members of the school committee shall expire at the end of the municipal year in which such division is made; and at the municipal election occurring in such year three members shall be elected by the qualified voters of each ward; one to hold office for one year, one for two years and one for three years from the first Monday in January next ensuing. Thereafter annually there shall be elected from each ward one member of the school committee, to hold office for the three municipal years next succeeding such election.

School committee.

SECTION 45. In case of a vacancy in or non-election to the office of a member of the school committee, the mayor shall call a joint convention of the board of aldermen and of the school committee, at which the president of the board of aldermen shall preside, and such vacancy shall, by vote of a majority of all the members of the two bodies, be filled by the election of a member according as the vacancy or non-election exists, to serve until the end of the municipal year in which the warrant for the next annual municipal election shall be issued; and at such election the further vacancy, if any, shall be filled for the remainder of the unexpired term in the same manner as the member whose office is vacant was elected.

Vacancies.

SECTION 46. The school committee shall meet on the first Tuesday in each municipal year, and organize by the election by ballot of one of its members as chairman and by the election of a clerk. The mayor may be present

Organization, quorum, etc.

at all sessions of the school committee, and when present he may participate in the discussions or preside, but shall have no right to vote. The committee shall be the judge of the election and qualification of its members and shall determine the rules for its proceedings. A majority of the whole number provided to be elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

Superintendent
of schools,
officers, etc.

SECTION 47. The school committee may elect a superintendent of schools, and may appoint such other subordinate officers and assistants as it may deem necessary for the proper discharge of its duties and the conduct of its business; shall define their terms of service and duties and fix their compensation, and may remove and discharge them at pleasure.

Powers and
duties of school
committee.

SECTION 48. The school committee shall exercise the powers and discharge the duties imposed by law upon school committees. All orders, resolutions or votes of the school committee, except those fixing salaries, which involve the expenditure of money, shall be presented to the mayor for his approval, and thereupon the same proceedings shall be had by the mayor and the school committee as are provided in section thirty-one of this act to be had by the mayor and a single branch of the city council; but nothing in this act contained shall affect the powers or duties of said committee in relation to votes cast at elections.

Estimates.

SECTION 49. The school committee shall, in the month of January in each year, submit to the mayor an estimate in detail of the amount deemed by it necessary to expend for its purposes during the succeeding financial year, and the mayor shall transmit the same, with the estimates of the departments, to the city council, and shall recommend such appropriations as he shall deem necessary.

School accom-
modations.

SECTION 50. The school committee shall be the original judges of the expediency and necessity of having additional or improved accommodations for any public school within the limits of the city; and whenever, in their opinion, a schoolhouse is required, or material alterations are needed, they shall send a communication to the city council stating the locality and the nature of the further provisions for schools which are needed; and no schoolhouse shall be located, built or materially altered until the school committee shall have approved of the proposed location and plans.

SECTION 51. No street or way shall hereafter be opened over any private land by the owners, lessees or occupants thereof, and dedicated to or permitted to be used by the public, until the width, location and grade of the same shall have been approved by the mayor and board of aldermen.

Streets, etc.,
over private
lands.

SECTION 52. The provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, being an act to improve the civil service of the Commonwealth and the cities thereof, and all acts in amendment thereof, shall have full force, application and effect.

Civil service
rules, etc.

SECTION 53. Nothing contained herein shall be construed to affect the authority, power, privileges, rights and obligations created and given by any special act of the general court, and now vested in and exercised by the city of Worcester, unless specifically mentioned in this act.

Not to affect
rights, powers,
etc.

SECTION 54. The powers and duties given to and imposed upon the mayor and aldermen of cities by chapter one hundred of the Public Statutes shall be exercised in the city of Worcester by a board of license commissioners, and such board shall consist of three inhabitants of said city, to be appointed by the mayor in March, and confirmed by the city council thereof, and shall hold office until the first day of March next after their appointment or until their successors are appointed and confirmed, and shall receive such compensation as the city council may determine.

Board of license
commissioners.

SECTION 55. All acts and parts of acts inconsistent with this act are hereby repealed: *provided, however*, that the repeal of the said acts shall not affect any act done or any right accruing or accrued or established, or any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect; and that no offence committed and no penalty or forfeiture incurred under the acts hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal; and that no suit or prosecution pending at the time of the said repeal, for any offence committed or for the recovery of any penalty or forfeiture incurred under the acts hereby repealed, shall be affected by such repeal; and *provided, also*, except as herein otherwise provided, that all persons who, at the time when the said

Repeal.

Persons in office
to continue, etc.

Ordinance, etc.,
to continue, etc.

repeal shall take effect, shall hold any office under the said acts, shall continue to hold the same according to the tenure thereof; and *provided, also*, that all the by-laws and ordinances of the city of Worcester which shall be in force at the time when the said repeal shall take effect, and which are not inconsistent with the provisions of this act, shall continue in force until the same are repealed by the city council, and all officers elected under such by-laws and ordinances shall continue in office according to the tenure thereof.

Not to revive
acts, etc.

SECTION 56. No act which has been heretofore repealed shall be revived by the repeal of the acts mentioned in the preceding section.

To be submitted
to voters
at next annual
city election.

SECTION 57. This act shall be submitted to the qualified voters of the city of Worcester for acceptance at the annual city election in the year eighteen hundred and ninety-three; and the city clerk shall, not less than one week before said election, transmit by mail or otherwise to every registered voter in said city a copy of this act. The vote shall be taken by ballot in answer to the following questions:

Questions to be
voted on, etc.

(1) Shall an act passed by the general court in the year eighteen hundred and ninety-three, entitled "An act to revise the charter of the city of Worcester", be accepted?

YES.	
NO.	

(2) Shall the aldermen be elected by the system of minority representation?

YES.	
NO.	

(3) Shall the power to grant licenses for the sale of intoxicating liquors be exercised by a board of license commissioners?

YES.	
NO.	

If the larger number of votes upon the first question is in the affirmative this act shall take effect on the first Monday of January next ensuing, and shall be applicable to the organization of the new government for the ensuing year. If the larger number of votes upon the second question is in the affirmative then only so much of section nine shall take effect as is contained in the form numbered Form Two, and if the larger number of votes thereon is in the negative only so much of section nine shall take effect as is contained in the form numbered Form One. If the larger number of votes upon the third question is in the affirmative, section fifty-four shall take effect and form a part of this act, and if the larger number of votes thereon is in the negative it shall not take effect and shall

not be deemed to form any part of this act. If the larger number of votes upon the first question is in the negative then no part of this act shall take effect except as provided in the following section.

SECTION 58. So much of this act as authorizes the submission of the question of its acceptance to the voters of said city shall take effect upon its passage, but it shall not further take effect unless accepted by the voters of said city as herein provided. *Approved June 9, 1893.*

When to take effect.

AN ACT RELATING TO THE OVERLAY OF TAXES.

Chap. 445

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and forty-seven of the acts of the year eighteen hundred and ninety-three is hereby amended by inserting after the word "void", in the ninth line of said section, the following words: — but the assessors may, for the purpose of avoiding fractional divisions of the amount to be assessed in the apportionment thereof, add to that amount a sum not exceeding five per cent. thereof, and this overlay is authorized notwithstanding the limit of taxation provided by this act may, by such overlay, be exceeded, — so as to read as follows: — *Section 1.* In every city containing less than one hundred thousand inhabitants the taxes assessed on property, exclusive of state tax, county tax, and sums required by law to be raised on account of city debt, shall not exceed in any year twelve dollars on every one thousand dollars of the assessors' valuation of the taxable property therein for the preceding year, said valuation being first reduced by the amount of all abatements allowed thereon previous to the thirty-first day of December in the year preceding said assessment, and any order or appropriation requiring a larger assessment than is herein limited shall be void; but the assessors may, for the purpose of avoiding fractional divisions of the amount to be assessed in the apportionment thereof, add to that amount a sum not exceeding five per cent. thereof, and this overlay is authorized notwithstanding the limit of taxation provided by this act, may, by such overlay, be exceeded; but the city council of any city coming within the provisions of this act may, in any year, decide that the taxes assessed shall be raised in accordance with the provisions of section one of chapter three hundred and

1893, 247, §1, amended.

Tax rate in certain cities may be based on valuation of preceding year.

City council may decide that taxes shall be raised in accordance with 1885, §12, §1.

twelve of the acts of the year eighteen hundred and eighty-five.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1893.

Chap. 446

AN ACT TO LEGALIZE CERTAIN BONDS OF THE CITY OF EVERETT.

Be it enacted, etc., as follows:

City of Everett
may issue cer-
tain scrip or
bonds.

SECTION 1. The city of Everett is hereby authorized to issue scrip or bonds to the amount, upon the terms and conditions, and for the purposes, provided in chapter one hundred and forty-nine of the acts of the year eighteen hundred and ninety-one and chapter one hundred and eighty-nine of the acts of the year eighteen hundred and ninety-two, respectively, authorizing the town of Everett to issue scrip or bonds for extending and improving its water supply and funding its water debt. The scrip or bonds shall be authorized from time to time by the city council and signed by the treasurer and water commissioners, and approved by the mayor of the city of Everett.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1893.

Chap. 447

AN ACT RELATING TO THE PUNISHMENT OF DRUNKENNESS.

Be it enacted, etc., as follows:

1891, 427, §5;
1892, 303,
amended.

SECTION 1. Section five of chapter four hundred and twenty-seven of the acts of the year eighteen hundred and ninety-one as amended by chapter three hundred and three of the acts of the year eighteen hundred and ninety-two is hereby amended by inserting at the end of the section, the following words: — or he may be punished by a fine not exceeding fifteen dollars, and in case of the non-payment of such fine, shall be committed to the jail, house of industry or house of correction, or to the workhouse, if there is any which has a criminal department, in the city or town where the offence was committed, until the fine is paid, not however exceeding thirty days, — so as to read as follows: — *Section 5.* If a male person is convicted of drunkenness by the voluntary use of intoxicating liquor, he may be punished by imprisonment in the jail, or in any place provided by law for common drunkards, for not more than one year; or, if such person is not above thirty-five years of age, he may be punished by imprisonment in the Massachusetts reformatory, as pro-

Punishment for
drunkenness.

vided by chapter three hundred and twenty-three of the acts of the year eighteen hundred and eighty-six. If a female person is so convicted she may be punished by imprisonment in the jail, or in any place provided by law for common drunkards, for not more than one year, or in the reformatory prison for women for not more than two years: *provided, however*, that if the person so convicted shall satisfy the court or trial justice, by his own statement or otherwise, that he has not been arrested for drunkenness twice before within the twelve months next preceding, or that having been so arrested he has been tried and acquitted in one of the cases, his case may be placed on file, or he may be punished by a fine not exceeding fifteen dollars, and in case of the non-payment of such fine, shall be committed to the jail, house of industry or house of correction, or to the workhouse, if there is any which has a criminal department, in the city or town where the offence was committed, until the fine is paid, not however exceeding thirty days.

SECTION 2. This act shall take effect on the first day of July of the current year. *Approved June 9, 1893.*

To take effect
July 1, 1893.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE CITY OF MALDEN TO GRANT LOCATIONS IN SAID CITY TO THE WEST END STREET RAILWAY COMPANY.

Chap. 448

Be it enacted, etc., as follows:

SECTION 1. The board of aldermen of the city of Malden are authorized to grant locations in said city to the West End Street Railway Company, and the present board may grant the right to use the electric system of motive power in the operation of the cars of said company in said city, and to erect and maintain the poles, wires and apparatus, and make the underground and surface alterations of the streets necessary for that purpose, on such terms and conditions, including rates of fare and routes of cars, as shall be agreed upon between said board and said company.

Locations and
rights may be
granted to West
End Street Rail-
way Company.

SECTION 2. Neither this act nor any contract made under it shall be construed to affect any right to alter or revoke locations, or limit the operation of any general law relating to street railways, whether now or hereafter passed; and any act done or contract made hereunder may be annulled by act passed by the general court.

Not to affect
rights, etc.

SECTION 3. This act shall take effect upon its passage.

Approved June 9, 1893.

Chap.449 AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows :

May incur indebtedness for school purposes beyond the debt limit.

SECTION 1. The city of Fall River, for the purpose of erecting and repairing schoolhouses in said city, may incur indebtedness beyond the limit fixed by law, to an amount not exceeding one hundred and fifty thousand dollars, and may issue bonds, notes or scrip therefor, payable in periods not exceeding twenty years from the date of issue; but the provisions of chapter twenty-nine of the Public Statutes and chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall otherwise apply to such indebtedness, and to the establishment of a sinking fund for the payment thereof at maturity.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1893.

Chap.450 AN ACT TO PROVIDE FOR TAKING BEACON HILL PLACE IN BOSTON.

Be it enacted, etc., as follows :

Beacon Hill place in Boston may be taken, etc.

SECTION 1. For the purpose of securing an open space around the state house, the state house construction commissioners are hereby authorized, in the name and behalf of the Commonwealth, to take by purchase or otherwise, within three months after the passage of this act, all the land in the city of Boston now used as a passageway, called Beacon Hill place, bounded easterly by Bowdoin street; southerly by land of the Commonwealth; westerly by Mount Vernon street, and northerly by land of the Commonwealth.

A description of land taken, to be recorded in registry of deeds, etc.

SECTION 2. Said commissioners shall, within sixty days after the taking of any lands, otherwise than by purchase, cause to be recorded in the registry of deeds for the county of Suffolk a description of the lands so taken, as certain as is required in a common conveyance of lands, with a statement that said lands are taken under the authority of this act; and the title of any lands so taken shall vest absolutely in the Commonwealth in fee.

Damages.

SECTION 3. The Commonwealth shall pay all damages sustained by any person or persons in their property by such taking; and if any person sustaining damage and

said commissioners fail to agree as to the amount of damages so sustained, said person or said commissioners may, within one year from such taking, file in the office of the clerk of the superior court for the county of Suffolk a petition for a jury to determine such damages, and thereupon, after such notice as said court shall order, the damages shall be determined by a jury in said court, in the same manner as damages for lands taken for highways in said city are determined, and costs shall be taxed as in civil cases. Said damages and the amounts agreed to, where the terms of purchase are established by agreement, shall be paid from the treasury of the Commonwealth, in the same manner as other lawful claims, upon the execution of such release or conveyance by the party in interest as shall be prescribed by the attorney-general.

SECTION 4. The state house construction commissioners are hereby authorized to lay out such land, by change of grade or otherwise, as may seem best for use as ornamental grounds. They may also, in behalf of the Commonwealth, agree with the city of Boston in regard to any changes of grade in streets on which the Commonwealth's land is bounded, and may waive all or any grade damages or claims for land taken for street widenings.

Ornamental grounds, changes in grade, damages, etc.

SECTION 5. This act shall take effect upon its passage.

Approved June 9, 1893.

AN ACT TO AUTHORIZE THE OLD COLONY RAILROAD COMPANY TO ACQUIRE THE FRANCHISES AND PROPERTY OF CERTAIN OTHER CORPORATIONS.

Chap. 451

Be it enacted, etc., as follows:

SECTION 1. The Old Colony Railroad Company may from time to time acquire the property and franchises of railroad corporations now leased to it, or of which it now owns a majority of the stock, either by purchase thereof or by exchange of its stock for that of any of said corporations upon such terms and conditions as may be agreed upon by its directors and those of the other corporation, and approved by vote of a majority in interest of its stockholders and of such other corporation, present and voting at meetings duly called for that purpose; and upon such acquisition shall in each case succeed to and have all the franchises and property and be subject to all the duties and liabilities of such corporation, but it shall not thus acquire the properties and franchises of any cor-

May acquire franchises, etc., of other corporations, etc.

poration except upon terms first approved in writing by the board of railroad commissioners.

May acquire stock of Old Colony Steamboat Company, etc.

SECTION 2. Said company may also acquire the capital stock of the Old Colony Steamboat Company, not now owned by it, upon such terms and conditions, either of purchase or of exchange of its own stock therefor, as may be in writing first approved by the board of railroad commissioners.

May issue additional stock, etc.

SECTION 3. For the purpose of any exchange or purchase herein authorized said company may, after the approval thereof by the railroad commissioners, issue additional stock, to be sold at public auction, in the manner provided by section fifty-nine of chapter one hundred and twelve of the Public Statutes, to such an amount as the railroad commissioners may approve.

SECTION 4. This act shall take effect upon its passage.

Approved June 9, 1893.

Chap. 452 AN ACT TO ESTABLISH THE SALARY OF THE OFFICIAL STENOGRAPHER FOR THE COUNTY OF MIDDLESEX.

Be it enacted, etc., as follows:

Salary may be established.

SECTION 1. The stenographer appointed by the justices of the superior court for the county of Middlesex shall receive such salary as said justices of the superior court, or a majority of them, may fix and establish, not however exceeding the sum of two thousand five hundred dollars a year, to be so allowed from the first day of February in the year eighteen hundred and ninety-three. All sums of money received for copies by any official stenographer for said county of Middlesex shall be paid into the treasury of said county.

Fees for copies to be paid into county treasury.

Repeal.

SECTION 2. So much of chapter two hundred and ninety-one of the acts of the year eighteen hundred and eighty-five as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved June 9, 1893.

Chap. 453 AN ACT PROVIDING FOR THE REMOVAL OF THE COMMISSIONERS OF PRISONS.

Be it enacted, etc., as follows:

Removal of commissioners of prisons.

SECTION 1. The governor is hereby given full authority to remove at pleasure any member of the board of commissioners of prisons.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1893.

AN ACT RELATIVE TO THE ESTABLISHMENT OF MUNICIPAL GAS *Chap. 454*
AND ELECTRIC LIGHTING PLANTS.

Be it enacted, etc., as follows:

SECTION 1. In case of the purchase by a city or town, under and in pursuance of the provisions of chapter three hundred and seventy of the acts of the year eighteen hundred and ninety-one, of a gas or electric light plant, or both, having mains, poles, wires or other distributing apparatus, lying or being in any adjoining city or town, said purchasing city or town shall have the right at its election, if there be no other private company engaged in the same kind of lighting business in such adjoining city or town, to purchase the outlying mains, poles, wires and other distributing apparatus in any such adjoining city or town, in the manner and subject to the provisions specified in sections twelve, thirteen and fourteen of said chapter.

Purchase of outlying property of gas or electric light plant.

SECTION 2. Any city or town having acquired a main gas works or central electric lighting station, and having acquired, as hereinbefore provided, outlying plant, means of distribution or property, in an adjoining city or town, used for the supply or distribution from such works or station to said city or town or inhabitants thereof, of gas or electricity, may thereafter manufacture, sell, distribute and supply to said city or town or inhabitants thereof, gas, if such outlying plant be a gas plant, or electricity, if it be an electric light plant; and shall succeed to, have and enjoy in said city or town, the same rights and franchises respecting such sale and distribution and extensions of its plant as the person, firm or corporation selling such outlying plant would have had if such sale had not been made, and be subject to the same limitations and obligations in the use and exercise of such rights and franchises; and such adjoining city or town within the limits of which such outlying plant is located shall, if it shall establish a gas or electric lighting plant of its own, under the provisions of said chapter three hundred and seventy, be held to purchase and shall purchase the plant and property owned by the other city or town and used for like purpose within its limits, under the provisions of sections twelve, thirteen and fourteen of said chapter, in like manner as if the same were the plant of a private person, firm or corporation: *provided, further*, that in such case the

Gas or electricity may be furnished to adjoining city or town, etc.

Adjoining city or town to purchase plant and property, etc.

Proviso.

city or town owning such outlying plant or property shall have no right to refuse to sell the same to the city or town within the limits of which the same is located, when requested thereby, but shall, within thirty days after a demand therefor, filed with its clerk by the latter city or town, file with the clerk of the latter city or town a schedule of said property and plant located within the limits of the latter, as provided for in said section thirteen; and thereafter said city or town owning the same shall sell, and said city or town within the limits of which the same is located shall buy, the same, under the provisions of said sections twelve, thirteen and fourteen; and thereafter the rights of the selling city or town to maintain a gas or electric light plant, or to sell gas or electricity within the limits of the purchasing city or town, shall cease and determine as to the plant sold.

Statement, etc.
to be filed by
owner of gas
or electric light-
ing plant.

SECTION 3. When the first of the two votes provided for in section seven of this act shall have been passed in any city, or the first of the two votes provided for in section three of said chapter three hundred and seventy shall have been passed in any town, any person, firm or corporation owning a plant in such city or town, of the nature of that to be established if the city or town shall complete its decision, and desiring to retain the right to enforce the obligation of such city or town to purchase such plant, under section thirteen of said chapter, shall, within thirty days after written request therefor, authorized by the city council and made by the mayor, if such plant be in a city, or authorized and made by the selectmen, if in a town, make and file with the clerk of the city or town wherein the central lighting plant is located, a detailed statement of all the property and plant of such person, firm or corporation then existing, which such person, firm or corporation may propose to sell to such city or town if it shall complete its decision to establish a plant, with the terms of sale proposed therefor. If any of said plant or property lies or is in an adjoining city or town which, under the terms of section one of this act, the city or town would after its said decision have the right to buy, a separate schedule of the plant or property in each adjoining city or town shall be filed as aforesaid, with the terms of sale proposed therefor; and such person, firm or corporation filing such schedule in a city shall, at all reasonable times thereafter, allow examinations of all the property scheduled or

Schedule, etc.,
of property in
adjoining city
or town; ex-
amination, etc.

used in business in connection with the scheduled property, to the mayor thereof and any committee of the city council selected by him, with any experts deemed by him necessary to determine the value of such property, and submit to inspection such property when called for by said mayor; and the same examination and inspection shall be allowed to the selectmen of any town wherein such schedule is filed, and to such experts selected by them. The reasonable expenses of making such detailed statement or caused by such examination or inspection shall be paid by the city or town requesting the same.

SECTION 4. The city or town required by the party filing the schedule to make the purchase, as provided in section three of this act, may, at any time within sixty days after the filing thereof, by vote of its city council, in case of a city, or of its legal voters at a town meeting duly called for the purpose, in case of a town, decide as to the property in either city or town adjoining it which it shall have the right to buy under this act, as to whether it shall be included with the property concerning which the questions of purchase are to be decided, under said chapter three hundred and seventy, and, upon said vote, said city or town shall be under the same obligations and have the same rights as to the purchase of such outlying property as if the same were within its limits; but such vote shall not prejudice the right of the city or town voting to deny or resist its obligation under the law to purchase any property, except that it shall not refuse to buy the property concerning which it has so voted, on the ground that it is not within its own limits. If such city or town required to make the purchase shall not pass such vote within said sixty days, as to the outlying property in any adjoining city or town, its right to buy the same shall be precluded and no obligation thereto shall accrue. Before the expiration of sixty days after the filing of said schedule no commissioner shall be appointed under the provisions of section thirteen of said chapter unless such vote has been passed, or it shall appear that the party filing the schedule owns no plant in an adjoining city or town which may be the subject of adjudication.

Decision as to purchase of outlying property, etc.

SECTION 5. Section twelve of said chapter three hundred and seventy is hereby amended by striking out in lines thirty-one to thirty-four of said section, inclusive, the words "the earning capacity of such plant based

1891, § 70, § 12 amended.

1891, 370, §12,
amended.

upon the actual earnings being derived from such use at the time of the final vote of such city or town to establish a plant and also", and inserting in line thirty-seven thereof, after the word "town", the words:— unless it shall refuse or neglect to purchase the same,— and striking out in lines forty-eight to fifty-five, inclusive, the words "when any capital has been paid in in property instead, of in cash the valuation placed upon such property in estimating it as paid in capital shall not be conclusive in estimating its value under the foregoing provisions, but may be disputed by a city or town, and if shown to have been excessive may be reduced by the authority fixing the price of the plant and property as hereinafter provided", and adding at the end of said section the words:— No city or town shall be obliged to buy any property added to a plant unnecessarily after the passage of its first vote that it is expedient to exercise the authority conferred in section one, nor any property except such as shall be suitable for the ordinary business of the vendor which the city or town may assume; and if any property or plant which the city or town shall be entitled or obliged to buy under this act will not be available to the city or town if purchased, by reason of liens, interests of third parties, private contracts or other cause, whereby the city or town purchasing would be at a disadvantage in the use of the same as compared with the vendor, the city or town may be released from buying the same, or a discount may be made from the price to be paid for the plant, as the commissioner or commissioners provided for in section thirteen shall determine to be equitable under the circumstances,— so as to read as follows:— *Section 12.*

Purchase of
plants already
established, etc.

When any city or town shall decide as hereinbefore provided to establish a plant, and any person, firm or corporation shall at the time of the first vote required for such decision be engaged in the business of making, generating or distributing gas or electricity for sale for lighting purposes in such city or town, such city or town shall, if such person, firm or corporation shall elect to sell and shall comply with the provisions of this act, purchase of such person, firm or corporation before establishing a public plant, such portion of his, their or its gas or electric plant and property suitable and used for such business in connection therewith, as lies within the limits of such

city or town. If in such city or town a single corporation owns or operates both a gas plant and an electric plant, such purchase shall include both of such plants; but otherwise such city or town shall only be obliged to purchase the existing gas plant or plants if it has voted only to establish a gas plant, and shall only be obliged to purchase the existing electric plant or plants if it has only voted to establish an electric plant. If the main gas works, in the case of a gas plant, or the central lighting station, in the case of an electric light plant, lie within the limits of the city or town which has voted to establish a plant as aforesaid, such city or town shall purchase as herein provided the whole of such plant and property used in connection therewith lying within its limits, and the price to be paid therefor shall be its fair market value for the purposes of its use; no portion of such plant to be estimated however at less than its fair market value for any other purpose, including as an element of value any locations, or similar rights, acquired from private persons in connection therewith, plus the damages suffered by the severance of any portion of such plant lying outside of the limits of such city or town, unless it shall refuse or neglect to purchase the same, and minus the amount of any mortgage or other encumbrance or lien to which the plant so purchased, or any part thereof, may be subject at the time of transfer of title; but such city or town may require that such plant and property be transferred to it free and clear from any mortgage or lien, unless the commissioners appointed under the provisions of section thirteen of this act shall otherwise determine. Such value shall be estimated without enhancement on account of future earning capacity, or good will, or of exclusive privileges derived from rights in the public streets. If the main gas works or central lighting station of such a plant do not lie within the limits of the city or town which has voted as aforesaid, then such city or town shall only purchase that portion of such plant and property which lies within its limits, paying therefor upon the basis of value above established, but without allowance of damages on account of severance of plant. No city or town shall be obligated by this section to buy any apparatus or appliances covered by letters patent of the United States or embodying a patentable invention, unless a complete right to use the same and all other apparatus or appliances nec-

Estimate of
value.

Apparatus, let-
ters patent, etc.

Not obliged to
buy certain
property.

essary for such use within the limits of such city or town, to such extent as such city or town shall reasonably require such right, shall be assigned or granted to such city or town at a cost as low as the cost of such right would be to the person, firm or corporation whose plant is purchased. No city or town shall be obliged to buy any property added to a plant unnecessarily after the passage of its first vote that it is expedient to exercise the authority conferred in section one, nor any property except such as shall be suitable for the ordinary business of the vendor which the city or town may assume; and if any property or plant which the city or town shall be entitled or obliged to buy under this act will not be available to the city or town if purchased, by reason of liens, interests of third parties, private contracts or other cause, whereby the city or town purchasing would be at a disadvantage in the use of the same as compared with the vendor, the city or town may be released from buying the same, or a discount may be made from the price to be paid for the plant, as the commissioner or commissioners provided for in section thirteen shall determine to be equitable under the circumstances.

Manufacture,
etc., of gas or
electricity may
be continued.

SECTION 6. When any city or town shall acquire, under the provisions of this act or of said chapter, a plant theretofore used for the manufacture or distribution of gas or electricity for the purposes of heating or power, it may continue to use the same for such purposes.

Subject to two
thirds vote of
city council,
etc.

SECTION 7. No city shall exercise the authority conferred in section one of said chapter until a vote that it is expedient to exercise such authority shall have passed each branch of its city council by a two thirds vote in each of two consecutive municipal years, and thereafter have been ratified by a majority of the voters present and voting thereon at an annual municipal election. When such a vote has failed to secure such ratification no similar vote shall be submitted for ratification until the expiration of three years thereafter. The mayor of any city shall have the power to veto any vote passed under authority of this act, but nothing in this act shall be construed to prevent the city council from passing any such vote, in the usual manner, over the veto of the mayor.

Gas or elec-
tricity may be
purchased, etc.

SECTION 8. Any city or town having established a plant for the distribution of gas or electricity for lighting purposes, under the provisions of said chapter three hundred and seventy, without a plant for manufacturing the

same, may, if such plant be a gas plant, purchase gas, and if an electric lighting plant, electricity, to be distributed by means of the same, from any adjoining city or town or any corporation manufacturing the same.

SECTION 9. In lieu of issuing bonds under the provisions of section four of said chapter three hundred and seventy, a town or city may issue notes or scrip, subject in all other respects to the provisions of said chapter.

Notes may be issued instead of bonds.

SECTION 10. Any town voting to establish or having established a gas or electric light plant, or both, under and in accordance with the provisions of chapter three hundred and seventy of the acts of the year eighteen hundred and ninety-one, may, at a town meeting called for that purpose, or at a regular annual town meeting, choose from its citizens three persons, to be known as the municipal light board, one of whom shall be chosen for one year, one for two years and one for three years, and at each annual town meeting thereafter one for a term of three years, who shall have full power and authority to construct, purchase and establish a public lighting plant in accordance with the vote of the town, and to maintain and operate the same; and they shall in all other respects possess the powers and perform the duties conferred and imposed upon the selectmen of such towns by sections eight and nine of said chapter, and the manager referred to in section eight of said chapter shall be appointed by and act under the direction of said board.

Municipal light board in towns.

SECTION 11. This act shall take effect upon its passage.

Approved June 9, 1893.

AN ACT TO ESTABLISH THE SALARY OF THE WARDEN OF THE STATE PRISON.

Chap.455

Be it enacted, etc., as follows:

SECTION 1. The salary of the warden of the state prison shall be four thousand dollars a year.

Salary established.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1893.

AN ACT TO PROVIDE ADDITIONAL WATCHMEN AT THE STATE PRISON.

Chap.456

Be it enacted, etc., as follows:

SECTION 1. The warden of the state prison may appoint, subject to the approval of the commissioners of

Additional watchmen.

prisons, not exceeding five watchmen, in addition to the number now authorized by law, who shall receive the same compensation, to be paid in the same manner, as is now provided by law for such officers.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1893.

Chap.457 AN ACT TO AUTHORIZE THE APPOINTMENT OF AN ASSISTANT TO THE DISTRICT ATTORNEY FOR THE SOUTHERN DISTRICT.

Be it enacted, etc., as follows:

Temporary
assistant to
district attor-
ney for the
southern dis-
trict.

SECTION 1. The superior court may, for any sufficient reason, appoint a competent person to act temporarily as an assistant to the district attorney for the southern district, in the discharge of his official duties, and may allow such sum as it may deem reasonable, to be paid out of the county treasury, not to exceed six hundred dollars in one year. Such appointment shall not last beyond the term at which it is made.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1893.

Chap.458 AN ACT RELATIVE TO THE CONSTRUCTION OF A FOOTWAY BETWEEN HAVERHILL AND BRADFORD.

Be it enacted, etc., as follows:

Commissioners
to act under
1893, 244.

SECTION 1. No member of the board of county commissioners for the county of Essex shall be disqualified from performing the duties imposed upon said board by chapter two hundred and forty-four of the acts of the present year, by reason of being a resident or taxpayer in the city of Haverhill or the town of Bradford, except that in the determination of any question of the apportionment of cost or expenses under section eight of said act, no member of said board who is a resident of either said city or said town shall act, and one of the special commissioners shall sit in his place as provided in section seventeen of chapter twenty-two of the Public Statutes in cases where a county commissioner is disqualified.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1893.

AN ACT RELATIVE TO PROCURING A WATER SUPPLY FOR THE CITY *Chap. 459*
OF BOSTON AND ITS SUBURBS.

Be it enacted, etc., as follows :

SECTION 1. The state board of health is hereby authorized and directed to investigate, consider and report upon the question of a water supply for the city of Boston and its suburbs within a radius of ten miles from the state house, and for such other cities and towns as in its opinion should be included in connection therewith.

Investigation
and report on
water supply
for Boston and
suburbs.

SECTION 2. The said board shall forthwith proceed to investigate and consider this subject, including all questions relating to the quantity of water to be obtained from available sources, its quality, the best methods of protecting the purity of the water, the construction, operation and maintenance of works for storing, conveying or purifying the water, the cost of the same, the damages to property, and all other matters pertaining to the subject.

Details of
investigation.

SECTION 3. The said board shall have power to employ such engineering and other assistance and to incur such expenses as may be necessary for carrying out the provisions of this act.

Engineering
and other assist-
ance.

SECTION 4. The said board shall report fully with plans and estimates to the legislature on or before the first Wednesday in January in the year eighteen hundred and ninety-five, and shall append to its report drafts of bills intended to accomplish the recommendations of the board.

Report, plans,
estimates, etc.

SECTION 5. The total amount of money which shall be expended out of the treasury of the Commonwealth in carrying out the provisions of this act shall not exceed forty thousand dollars. The Commonwealth shall be reimbursed for the amount expended by the cities and towns which are to receive the benefit of the system recommended in the report, in proportion to the population of each.

Expenditure,
reimbursement.

SECTION 6. Before incurring any expense the board shall from time to time estimate the amounts required and shall submit the same to the governor and council for their approval, and no expense shall be incurred beyond the amount so estimated and approved.

Estimate of ex-
penses to be
approved by
governor and
council.

SECTION 7. This act shall take effect upon its passage.

Approved June 9, 1893.

Chap. 460 AN ACT TO SECURE THE BETTER ENFORCEMENT OF THE LAWS
RELATING TO THE PUBLIC HEALTH.

Be it enacted, etc., as follows:

Enforcement of
laws relating to
the public
health.

SECTION 1. The supreme judicial court sitting in equity may, on the application of the board of health of a city or town, by any appropriate process or decree, enforce the provisions of chapter eighty of the Public Statutes, and of the acts in amendment thereof or in addition thereto, and this remedy shall not supersede, but shall be in addition to any other remedies provided for the purpose.

Trial of cases,
etc.

SECTION 2. The court may frame issues of fact to be tried by a jury in any case under the preceding section, when requested by a party, and direct the same to be tried in the county where such cause is pending, at the bar of the supreme judicial court, or the superior court; and if the regular term for such trial does not come within one month from the making up of such issues, any justice of the court may order the clerk for the county where the case is pending, to summon a jury in the ordinary manner of trying any such issues, and the proceedings at such trial shall be in all respects the same as if at the regular term of the court, and the record thereof shall have the same force and effect as any other record of the court.

SECTION 3. This act shall take effect upon its passage.

Approved June 9, 1893.

Chap. 461 AN ACT RELATIVE TO SOLEMNIZING MARRIAGES.

Be it enacted, etc., as follows:

Licensed rabbis
of the Israel-
itish faith may
solemnize
marriages.

SECTION 1. Any rabbi of the Israelitish faith may solemnize a marriage under the same rules, restrictions, obligations and penalties as are imposed by law upon ministers of the gospel in this Commonwealth. Such rabbi must be one duly licensed to act by a congregation of said faith established in this Commonwealth.

P. S. 145, §27 to
apply.

SECTION 2. The provisions of section twenty-seven of chapter one hundred and forty-five of the Public Statutes shall apply to such a marriage.

SECTION 3. This act shall take effect upon its passage.

Approved June 9, 1893.

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A BUILDING LINE ON PUBLIC WAYS. *Chap.462*

Be it enacted, etc., as follows:

SECTION 1. The board or officers having authority to lay out city or town ways may in the manner prescribed by law for giving notice of an intention to lay out any such way, give notice of an intention to establish a building line parallel to, and not more than twenty-five feet distant from, any exterior line of a highway or city or town way, and after said notice may pass a vote establishing such building line, and in the case of a city, upon the recording of said vote in the records of the city, or in a town, upon the acceptance of said vote by the inhabitants of the town at a town meeting called as provided by law, said building line shall be established; and until another building line shall thereafter be established in the same manner, no structure shall thereafter be erected, placed or maintained between such building line and such way, except that steps, windows, porticos and other usual projections appurtenant to the front wall of a building, may be allowed in such restricted space, to the extent prescribed in the vote establishing such building line.

Establishment of a building line on public ways.

Restrictions as to building between line and way.

SECTION 2. Any person sustaining damage by reason of the establishment of such building line shall have the same remedies for obtaining payment therefor as may be prescribed by law for obtaining payment for damages sustained by the laying out of a highway in such city or town.

Damages.

SECTION 3. This act shall take effect in any city when accepted by the city council thereof, and in any town when accepted by a majority of the legal voters thereof present and voting thereon at a town meeting called for the purpose.

To take effect upon acceptance.

Approved June 9, 1893.

AN ACT TO INCORPORATE THE OLD COLONY AND INTERIOR CANAL COMPANY. *Chap.463*

Be it enacted, etc., as follows:

SECTION 1. James L. Anthony, James D. Leary, Warren Roosevelt, William G. Bussey, Henry O. Mills, Benjamin W. Gilbert, Elijah H. Austin, Thomas N. Hart, Charles H. Allen, William H. Lincoln, Edward Kemble, Norman W. Dodge, William J. Hunt, Willard Howland,

Old Colony and Interior Canal Company, incorporated.

their associates and successors, are hereby made a corporation by the name of the Old Colony and Interior Canal Company, and as such shall have perpetual succession, and by that name may sue and be sued, plead and be impleaded in law and equity, and purchase, receive, hold and convey real and personal estate, and the same retain to themselves, their successors and assigns, so far as it shall be necessary for their accommodation and convenience in the transaction of their business; with all the privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to railway corporations, so far as they may be applicable, except as hereinafter provided.

Capital stock
and bonds.

SECTION 2. The capital stock of said corporation shall be seven and a half million dollars, divided into shares of one hundred dollars; and said corporation may issue coupon or registered bonds to an amount which does not exceed in the aggregate the capital stock of said corporation actually paid in at the time. Said corporation may issue stock and bonds in payment for labor performed and material furnished in the construction of a canal as hereinafter provided, and of property acquired for that purpose, and to provide means for funding its floating debt or for the payment of money borrowed for any lawful purpose.

Mortgage
bonds.

SECTION 3. Said corporation may, upon being authorized by a majority of the votes at any regular meeting called for the purpose, issue bonds in accordance with sections sixty-two to seventy-three, inclusive, of chapter one hundred and twelve of the Public Statutes, so far as the same can be applied to said corporation, and may secure the same by a mortgage.

Location, con-
struction, etc.,
of ship canal.

SECTION 4. Said corporation may locate, construct, maintain and operate a ship canal, either beginning at some convenient point in Buzzard's bay, and running through the towns of Bourne and Sandwich, or either of them, to some convenient point in Barnstable bay, or beginning at some convenient point in Nantucket sound, near the point where Bass river, so-called, in the towns of Dennis and Yarmouth, empties into said Nantucket sound, and extending thence to some convenient point in Massachusetts bay or Cape Cod bay, following the bed of said Bass river during so much of its course as may be deemed advantageous to said corporation; may locate,

construct and maintain all such wharves, docks and other structures and works as may be necessary for the convenient using of said canal, together with the highways provided for by this act; and may maintain and operate steam and other vessels for transportation, and steam tugs, or use any other means or methods for assisting vessels in their approach to and passage through and from the canal. Said canal, when constructed, shall have a depth of not less than twenty-three feet at mean low water, shall be of a width of not less than ninety feet at the bottom, and not less than three hundred feet at the top. The material excavated from the waters in Buzzard's bay and Barnstable bay, or in Cape Cod bay, Bass river or Nantucket sound, shall be so disposed of, under the direction of the harbor and land commissioners, as not to unnecessarily interfere with the fishing interests; and material excavated shall be deposited within the limits of the location of the canal, so far as practicable.

Under direction of harbor and land commissioners.

SECTION 5. Said corporation may lay out and have the location of its canal, not exceeding one thousand feet wide, and may, subject to the approval of the board of harbor and land commissioners, take the fee of land outside of said limits for the purpose of disposing of the materials excavated from said canal, and shall file the location thereof with the county commissioners for the county of Barnstable, defining the courses, distances and boundaries thereof, in the manner provided for filing railroad locations.

Location to be filed with county commissioners, etc.

SECTION 6. Said corporation may purchase or otherwise take the land or materials which have been bought or taken by the Cape Cod Ship Canal Company, or any part thereof, and any other land or materials necessary for making and securing its canal, breakwaters, basins, docks, wharves, gates, highways or other structures and works referred to in the preceding section, in the manner in which land or materials are taken for the construction of railroads.

May take land and materials.

SECTION 7. Said corporation shall pay all damages occasioned by laying out, making and maintaining its canal, or by taking land or materials therefor, or to the Old Colony Railroad Company, by any change of its road required under this act; and such damages, on the application of either party, shall be estimated by the county commissioners for the county of Barnstable, in the man-

Damages.

ner and subject to the rules of law provided for determining the damages for taking land in laying out of railroads. Either party dissatisfied with the estimate of the county commissioners may, at any time within one year after it is completed and returned, apply by petition to the superior court for the county of Barnstable for a jury to assess the damages, and like proceedings shall be had thereon as in proceedings for damages for laying out of railroads; but all damages sustained by the Cape Cod Ship Canal Company, under the provisions of this act, shall be ascertained and determined as provided in section six of this act.

Board to determine crossing of canal by Old Colony Railroad Company, etc.

SECTION 8. The Old Colony and Interior Canal Company, within four months from the passage of this act, may apply to the boards of railroad commissioners and of the harbor and land commissioners, who for the purposes hereinafter stated are constituted a joint board, to determine at what point or points the Old Colony Railroad Company shall cross said canal, by a combined public highway and railroad bridge or bridges. Said joint board thereupon, after notice to the Old Colony Railroad Company and to all other parties interested, which notice shall be given in such form as said joint board shall direct, shall determine said questions, and the decision of a majority of said joint board shall be final. Said canal company shall construct its canal with such structures and appliances for its protection and use as said joint board may order, together with a highway bridge at Back river, provided the said canal company adopts the Back river route, so-called, and such bridge or bridges, ferries and changes of highways, under the supervision of said joint board, as shall be in accordance with plans approved by them and in conformity with such orders as they may make.

Commissioners to determine when Old Colony Railroad Company shall alter location, etc.

SECTION 9. The board of railroad commissioners and the county commissioners for the county of Barnstable, after due notice to all parties interested and hearing of all who shall appear, shall determine and prescribe, in writing, the time when and the manner in which the Old Colony Railroad Company shall alter its location so as to cross said canal at such point or points as may be determined upon by the joint board hereinbefore provided; and in making such alterations said railroad corporation shall have all the powers and privileges and be subject to all the duties,

restrictions and liabilities set forth in all general laws relating to railroads, except that the damages of land owners shall be assessed only against and shall be paid by said canal company. The Old Colony and Interior Canal Company may proceed to build the railroad upon the new location and complete the same in such manner as may be prescribed by the railroad commissioners, and to their satisfaction, in case the parties do not agree upon the same; and shall pay all damages caused by the construction of said railroad upon such new location, and shall be liable for such damages as in the case of the construction of railroads. Until the completion of the new location said canal company shall not enter upon the old location of said railroad, except for making surveys, or by consent of the Old Colony Railroad Company, or of the railroad commissioners. Damages occasioned to the railroad company by its compliance with the requirements of this act may be recovered by it of the canal company in the manner provided by law for the recovery of damages caused by the location and construction of railroads.

Building of railroad upon new location, etc.

Damages.

SECTION 10. The Old Colony Railroad Company shall have its location, not exceeding five rods in width, upon any land owned or located upon by said canal company, up to the said bridge on each side thereof, provided that all reasonable use of said location by the said canal company for the purpose of operating its canal and for highway purposes, and under the direction of the railroad commissioners, shall be permitted by the railroad company, without payment of rent.

Location of Old Colony Railroad Company.

SECTION 11. The Old Colony Railroad Company, upon the completion and acceptance by the board of railroad commissioners of the newly constructed railroad and bridge or bridges, as above provided, may at its option take such iron and other materials as may remain upon that portion of the line of said railroad which is to be given up, and shall allow or pay to the Old Colony and Interior Canal Company the value thereof, such value to be determined by the board of railroad commissioners and the county commissioners of the county of Barnstable in case the parties do not agree upon the same. The title of the Old Colony Railroad Company to the land upon the old location of the Old Colony Railroad Company shall, upon the completion and acceptance by the board of railroad commissioners and the county commissioners

Old Colony Railroad Company may take certain materials, etc.

Title of old location to become property of canal company.

of the county of Barnstable, of the newly constructed railroad, become the property of said canal company.

Penalty for opening, obstructing, etc., draw, etc.

SECTION 12. Whoever unnecessarily opens, shuts, or obstructs the draw without the consent of the superintendent, or without such consent makes fast, or moors to, or being in charge thereof refuses to unloose or unmoor any scow, raft, or other vessel to or from any of said bridges within wake of the draw, shall pay a fine of not less than three dollars nor more than fifty dollars.

Penalty for damages to bridge, pier, etc.

SECTION 13. Whoever wilfully injures or damages said bridges, wharves or piers, or wilfully disturbs or hinders the superintendent or his assistants in the discharge of their duties, shall forfeit for each offence a sum not exceeding one hundred dollars, and be further liable in damages to the Old Colony and Interior Canal Company.

P. S. 112, §§148-155 to apply.

SECTION 14. The provisions relating to drawbridges contained in sections one hundred and forty-eight to one hundred and fifty-five, inclusive, of chapter one hundred and twelve of the Public Statutes, shall extend to said bridge or bridges, so far as applicable, except that a railroad train shall be allowed five minutes to cross said draw, instead of fifteen minutes, as provided in section one hundred and fifty of said chapter, and except that said drawbridge or bridges may be kept open at all times except when closed for the actual passage of trains. And the same penalties and forfeitures provided in section one hundred and fifty-four of said chapter, except as said section is hereby changed, shall also be in force, and may be recovered of the Old Colony Railroad Company, or any engineer or any superintendent of said bridge, in like manner as therein provided for the violation of any of the provisions of sections one hundred and fifty-one and one hundred and fifty-three of said chapter.

Penalties and forfeitures.

Free ferries to be provided, etc.

SECTION 15. The said canal company shall provide and maintain at Bourne, Bournedale and Sagamore, or at Dennis and Yarmouth, according to the location adopted by said canal company for their said canal, as hereinbefore provided, at such points as may be designated by the county commissioners, suitable ferries across the canal for passengers and teams, to be operated free from tolls, under reasonable rules to be established by the county commissioners, except that it shall not be required to maintain a ferry if a highway bridge or tunnel shall be

built at or near any of said places. Said canal company shall forfeit fifty dollars to said town of Bourne, or to said towns of Dennis and Yarmouth, as the case may be, for each day after any of said highways is cut away, in which it shall fail to provide and maintain a ferry or other means of crossing at that point, to be recovered upon complaint or indictment in the county of Barnstable, to the use of said town of Bourne, or of said towns of Dennis and Yarmouth, as the case may be.

SECTION 16. The said canal company shall also construct such highways to connect with the bridge or bridges, tunnel or tunnels, and ferries herein provided for, and such other highways as may be necessary to replace the highways destroyed by the construction of said canal, in such manner and at such times as the county commissioners for the county of Barnstable shall prescribe, upon each side of said canal. After the completion of such highways and their acceptance by the said county commissioners, the said canal company shall not be responsible in any manner for the further maintenance of the same, except upon the location of said canal company.

Highways to be constructed.

SECTION 17. The said canal company shall also make such suitable provision for the continuance of the herring fishery in Monument river and Herring pond, or in Bass river and the waters tributary thereto, as the commissioners on inland fisheries may prescribe; and in case of injury to any fishery, including oyster fisheries, shall pay to the owner thereof such damages as shall, upon the application of either party, be estimated by said commissioners on inland fisheries, in a manner similar, so far as may be, to that provided in laying out highways, and with a similar right of appeal to a jury by proceedings like those provided for in section seven of this act.

Herring fishery to be continued, etc.

SECTION 18. The said canal company may establish for its sole benefit a toll upon all vessels or water craft of whatever description which may use its canal, at such charges as the directors thereof may determine; and may, except as aforesaid, from time to time regulate such use in all respects as the directors may determine. Said corporation may also furnish towage through said canal for all vessels or water craft which require it, for which service it may establish, subject to the aforesaid restrictions, a rate for its sole benefit at such charges as the directors thereof may determine.

Toll upon vessels using canal.

Towage.

Penalty for
evading pay-
ment of toll.

SECTION 19. Whoever fraudulently evades or attempts to evade the payment of any toll lawfully established under section eighteen of this act, either by misrepresenting the register or draught of any vessel, or otherwise, shall pay a fine of not less than five nor more than five hundred dollars, and such offence shall be punishable in any county in the Commonwealth.

Penalty for ob-
structing pas-
sage of vessels,
etc.

SECTION 20. Whoever wilfully and maliciously obstructs the passing of any vessel or steam tug or other water craft in said canal, or obstructs the approaches to said canal, within two thousand feet of either extremity thereof, or in any way injures said canal or its banks, bridge or bridges, breakwaters, docks, wharves, locks, gates, or other structures or works, lights, buoys, signals, or anything appertaining thereto, or any materials or implements for the construction or use thereof, or aids or abets in such trespass or injuries, shall forfeit to the use of the corporation, for each offence, treble the amount of damages proved to have been sustained thereby, to be recovered in an action of tort, in the name of the corporation; and may further be punished by a fine not exceeding one thousand dollars or imprisonment for a term not exceeding one year.

Payments to
secretary and
treasurer of the
Commonwealth.

SECTION 21. Said corporation shall pay to the secretary of the Commonwealth, on receiving the certificate of incorporation, the sum of fifty dollars; and shall also pay to the treasurer of the Commonwealth such sum of money as shall be fixed by the governor and council, as compensation for the services and expenses of the boards of railroad commissioners and harbor and land commissioners, and the special board constituted under the provisions of section thirty for performing the duties imposed on them under the provisions of this act. Said allowance for expenses shall include the compensation for such expert engineers as may be employed by said boards.

Compensation
of county com-
missioners.

SECTION 22. To defray the expenses and recompense the county commissioners for services rendered under this act, it shall be the duty of said canal company to pay each of said commissioners the sum of six dollars per day for the time actually consumed in discharging their duties: *provided, however*, that said canal company shall not be required to pay either of said commissioners for more than fifty days' service in one year.

SECTION 23. Everything in chapters two hundred and fifty-nine of the acts of the year eighteen hundred and eighty-three, two hundred and seventy-four of the acts of the year eighteen hundred and eighty-four, two hundred and twenty-two of the acts of the year eighteen hundred and eighty-seven, and three hundred and ninety-seven of the acts of the year eighteen hundred and ninety-one, and all other acts relating to the construction of a canal from Buzzard's bay to Barnstable bay, inconsistent herewith or which might be construed in derogation of the rights, privileges and powers herein created and conferred, are hereby repealed.

Repeal.

SECTION 24. Said corporation shall not be required to pay any taxes to the Commonwealth until the canal shall have been open for use for three years.

Payment of taxes.

SECTION 25. The construction of the approaches to said canal from the present line of high water upon the shores seaward, at either end thereof, shall be subject to the provisions of chapter nineteen of the Public Statutes, and said canal, when completed, shall be under the jurisdiction of the harbor and land commissioners.

Construction of approaches; jurisdiction of harbor and land commissioners.

SECTION 26. Any corporation organized under the laws of this Commonwealth may, upon a vote of a majority of its stockholders present and voting at any meeting called for that purpose, subscribe for the stock or bonds of said canal company and pay for the same a sum not exceeding five per cent. of the capital stock of such corporation, or may guarantee the payment of the bonds of said canal company, to an amount not exceeding five per cent. of the capital stock of such corporation.

Corporations may subscribe for stock or bonds of canal company.

SECTION 27. Said canal company shall, within four months after the filing of the certificate provided for in section thirty of this act, deposit with the treasurer of the Commonwealth one hundred and fifty thousand dollars in cash or in United States government bonds, as security for the payment of all damages occasioned by the laying out and construction of said canal, or of taking land or materials therefor; one hundred thousand dollars of said one hundred and fifty thousand dollars shall, subject to the foregoing liabilities, be forfeited to the town of Bourne or Dennis or Yarmouth, on the first day of June in the year eighteen hundred and ninety-eight, unless before that date at least seventy-five per cent. of the trunk of said canal shall have been excavated.

Deposit with treasurer of the Commonwealth of \$150,000.

Forfeit of \$100,000.

Canal to be
constructed
within five
years, etc.

SECTION 28. Said corporation shall, within five years from the passage of this act, construct or otherwise complete said canal through the towns of Sandwich and Bourne, or through the towns of Dennis and Yarmouth, but shall not begin to construct said canal until it shall have filed the location for its said canal with the county commissioners for the county of Barnstable, as hereinbefore provided. And if said corporation shall fail to fulfil any of the obligations of this act, said corporation shall thereupon cease to exist; and all rights of way, buildings, machinery or other property outstanding in the name of said corporation shall become the property of the Commonwealth.

To be null and
void unless
deposit is
made with
treasurer of the
Commonwealth,
etc.

SECTION 29. The provisions of this act shall be null and void unless the aforesaid corporation shall deposit with the treasurer of the Commonwealth the sum of fifty thousand dollars within ninety days after the filing of the certificate provided for in section thirty of this act, which sum of money shall be forfeited to the Commonwealth unless the work of construction is commenced within one year of the passage of this act. Said sum of fifty thousand dollars shall be refunded to said corporation when said canal is in operation.

Commissioners
to approve stock
and bonds.

SECTION 30. No capital stock or bonds shall be issued under this act until the terms of such issue and the purposes to which the proceeds thereof are to be applied shall have been submitted to and approved by a special board of three commissioners, to be appointed by the governor, by and with the advice and consent of the council. Any such commissioner may at any time be removed by the governor for such cause as he shall in writing assign, and all vacancies caused by resignation, death or otherwise shall be filled by the governor, with the advice and consent of the council. And if they approve the terms of such issue and the proposed application of such proceeds, a certificate setting forth such approval shall be executed by said board and filed by said company in the office of the secretary of the Commonwealth. If such certificate shall not be filed on or before the first day of January, eighteen hundred and ninety-four, this act shall be null and void.

Certificate of
approval.

SECTION 31. This act shall take effect upon its passage.

Approved June 9, 1893.

AN ACT RELATIVE TO THE BUILDING LAWS FOR THE CITY OF *Chap. 464*
BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Section thirteen of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two is hereby amended by adding at the end thereof the words:—Whenever the inspector shall have rendered a decision involving the construction and effect of any portion of this act, any citizen of Boston may obtain the opinion of the board of appeal as to the true construction of the language under which said decision was rendered, in the following manner: Such citizen shall file with the board of appeal an application in writing for such opinion, setting forth the language concerning which an opinion is desired, and also a statement, if practicable, of the construction adopted by the inspector. Such application must be filed within ninety days of the date of the decision referred to. The board shall, after notice to the inspector and such further notice and hearing as they may deem proper, place upon their records for public inspection, and send to said inspector, a written statement of their opinion as to the true meaning and effect of the language set forth in the application, and said inspector shall thereafter conform to said opinion in issuing permits. All expense arising from proceedings to obtain an opinion of the board, as above provided, shall be paid by the applicant,—so as to read as follows:—*Section 13.* Any applicant for a permit from the inspector of buildings required by this act, whose application has been refused, or any person who has been ordered by the inspector to incur any expense, may within fifteen days after being notified of such refusal or order, appeal from the decision of the inspector by giving to the inspector notice in writing that he does so appeal. Any person, the value of whose property may be affected by work to be done under any permit granted by the inspector of buildings, may, within three days after the issuing of such permit, appeal by giving to the inspector notice in writing that he does so appeal. All cases in which appeals have been taken as above provided shall be referred to the board of appeal, and said board shall, after hearing, direct the inspector to issue his permit under such conditions, if any, as they may require, or to withhold the same. Whenever the

1892, 419, §13,
amended.

Appeal in case
of refusal of
permit by the
inspector, etc.

Opinion of
board of appeal
as to true con-
struction of
language, etc.

inspector shall have rendered a decision involving the construction and effect of any portion of this act, any citizen of Boston may obtain the opinion of the board of appeal as to the true construction of the language under which said decision was rendered, in the following manner: Such citizen shall file with the board of appeal an application in writing for such opinion, setting forth the language concerning which an opinion is desired, and also a statement, if practicable, of the construction adopted by the inspector. Such application must be filed within ninety days of the date of the decision referred to. The board shall, after notice to the inspector and such further notice and hearing as they may deem proper, place upon their records for public inspection, and send to said inspector, a written statement of their opinion as to the true meaning and effect of the language set forth in the application, and said inspector shall thereafter conform to said opinion in issuing permits. All expense arising from proceedings to obtain an opinion of the board, as above provided, shall be paid by the applicant.

1892, 419, §41,
amended.

First and second
class buildings.

SECTION 2. Section forty-one of said chapter is hereby amended by adding at the end thereof the words:—No wall in any second class building shall be increased in height unless the entire building is so altered as to conform to the requirements of this act,—so as to read as follows:—*Section 41.* In first and second class buildings all party and bearing partition walls above the foundation shall be of brick, and no such party or partition wall shall hereafter be furred with wood, but all such walls shall be plastered on masonry or on metal lathing. No wall in any second class building shall be increased in height unless the entire building is so altered as to conform to the requirements of this act.

1892, 419, §42,
amended.

SECTION 3. Section forty-two of said chapter is hereby amended by striking out in the third line, the word “twelve”, and inserting in place thereof the word:—thirty,—and by adding at the end thereof the words:—and *provided, further*, that in the case of buildings not over forty-five feet in height the distance that any wall is carried above the roof boarding need not exceed twelve inches,—so as to read as follows:—*Section 42.* In buildings hereafter built all party walls and the partition walls required by this act shall be built through, and at least thirty inches above or distant from, the roof board-

Walls to be
thirty inches
from roof
boarding.

ing, at the nearest point; shall be entirely covered with stone or metal securely fastened, and corbelled to the outer edge of all projections: *provided*, that a gutter stone of suitable dimensions and properly balanced may be inserted in place of the corbelling; and *provided, further*, that in the case of buildings not over forty-five feet in height the distance that any wall is carried above the roof boarding need not exceed twelve inches.

Provisos.

SECTION 4. Section forty-six of said chapter is hereby amended by striking out the word “twelve”, in the third line, and substituting therefor the word:—thirty,—also by striking out the words “ten thousand”, whenever they occur in said section, and substituting the words:—eight thousand,—in place thereof; also by adding at the end thereof the following:—*provided*, that in buildings having a height of not over forty-five feet, the height above the roof of the said brick partition walls need not exceed twelve inches,—so as to read as follows:—*Section 46.* Second class buildings hereafter built shall be so divided by brick partition walls of the thickness prescribed for bearing partition walls and carried thirty inches above the roof, that no space inside any such building shall exceed in area eight thousand square feet, and no existing wall in any second class building shall be removed so as to leave an area not so enclosed, of more than eight thousand square feet: *provided*, that in buildings having a height of not over forty-five feet, the height above the roof of the said brick partition walls need not exceed twelve inches.

1892, 419, §46, amended.

Partition walls, open space not to exceed eight thousand feet.

SECTION 5. Section sixty-three of said chapter is hereby amended by inserting in the twenty-first line, after the word “used”, the words:—and in all second class buildings of the character described, all stairways shall be enclosed in walls or shafts of non-inflammable material, and all openings in said walls or shafts shall be provided with metal covered doors hung to rabbetted iron frames with iron thresholds,—so as to read as follows:—*Section 63.* Every second class building hereafter built, except as hereinafter provided, shall have a sufficient fire stop at each floor, covering the whole floor of each story through all stud partitions, and extending to the masonry walls. Every air duct, except those expressly sanctioned by this act, shall be effectually stopped at each story. Every such fire stop shall consist of a solid, air-tight

1892, 419, §63, amended.

Fire stop, air duct.

cohesive layer, at least one inch thick, of tile, brick, terra cotta or like fire made material, plaster, cement, cinder or ashes, or of a combination of the same, or of equally non-inflammable, non-heat conducting materials laid between the upper and under floors, or occupying all the space between the timbers under the under floor: *provided*, that all second class buildings hereafter erected, of forty-five feet or more in height, which are used above the first floor as storage stores, warehouses or stores for the storage and sale of merchandise shall have a tight splined or tongued and grooved under floor of at least two inch plank, with an upper floor one inch thick, matched and breaking joints, and in such buildings fire stops need not be used; and in all second class buildings of the character described, all stairways shall be enclosed in walls or shafts of non-inflammable material, and all openings in said walls or shafts shall be provided with metal covered doors hung to rabbetted iron frames with iron thresholds. The foot of each partition, and of each tier of studding or furring, shall be filled solid between the uprights to the full width thereof, and to the height of six inches above the floor, with the same incombustibles as above prescribed for fire stops or some combination thereof. The spaces between such parts of floor joists as rest upon partition heads shall be filled with the materials above required. The spaces between stringers of staircases and joists of landings, unless unceiled, shall be so stopped with some of the incombustibles above-mentioned, at three places at least in every flight of stairs, as to prevent the passage of air.

Proviso.

Stairways in fireproof walls, etc.

Filling of incombustibles.

1892, 419, §74, amended.

Boilers, heaters, etc., set on fireproof material, enclosed, etc.

SECTION 6. Section seventy-four of said chapter is hereby amended by inserting in the first line, after the word "steam", the word: — heat, — and inserting in the second line, after the word "furnace", the words: — or hot water heater, — so as to read as follows: — *Section 74.* No boiler to be used for steam heat or motive power, and no furnace or hot water heater shall be placed on any floor above the cellar floor, unless the same is set on non-combustible beams and arches, and in no case without a permit from the inspector. Every steam boiler in a building to be used for office, mercantile or manufacturing purposes, or to be used as a lodging or tenement house, shall be enclosed in a fireproof room of brick, terra cotta, stone, iron or other similar incombustible

material, with openings closed by metal covered doors, hung to rabbetted iron frames, or to iron hinges in brick or iron rabbets. No range, stove, oven or boiler shall be used for cooking in a hotel or restaurant, or for manufacturing purposes, until the same has been examined and approved by the inspector.

SECTION 7. Section seventy-five of said chapter is hereby amended by inserting in the second line, after the word "erected", the words:—or altered by increasing the height of the front, rear or sides thereof,—so as to read as follows:—*Section 75.* In every second class building hereafter erected or altered by increasing the height of the front, rear or sides thereof, all exterior parts more than forty-five feet above the sidewalk, except window frame sashes and blinds, shall be made of metal, stone, brick or other equally incombustible material.

1892, 419, §75,
amended.

Exterior parts
to be incombustible.

Approved June 9, 1893.

AN ACT TO AUTHORIZE TOWNS TO USE THE MCTAMMANY AUTOMATIC BALLOT MACHINES AT ELECTIONS OF TOWN OFFICERS.

Chap. 465

Be it enacted, etc., as follows:

SECTION 1. Any town may by a majority vote of the legal voters thereof present and voting thereon at a meeting held not less than ten days before its annual town meeting, determine upon, purchase and order the use of one or more McTammany automatic ballot machines at elections of town officers in said town; and thereafter at all elections of town officers in said town, until otherwise ordered by the board of selectmen, said McTammany automatic ballot machines shall be used for the purpose of voting for the officers to be elected at such elections and for taking the vote upon the question of granting licenses for the sale of intoxicating liquors, and for registering and recording the votes cast thereat.

McTammany
automatic ballot
machines
may be used at
town elections.

SECTION 2. The ballot by means of which the elector designates his choice or vote in said McTammany automatic ballot machines shall be in secret and shall be a cardboard or paper ticket which shall contain written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen, and shall not contain any other printed or written device or distinguishing

Ballot.

Regulations.

mark, excepting the political or party designation of each person so to be voted for, and index hands pointing to the slot through which the elector marks or registers his vote. The board of selectmen may make regulations for the use of said McTammany automatic ballot machines, but such regulations shall require all actions and proceedings of the election officers to be in public, in the presence of the voters, and shall not be inconsistent with law further than may be necessary by reason of the use of such McTammany automatic ballot machines for the purpose of holding elections and recording and canvassing the results thereof.

Canvass of votes.

SECTION 3. At the close of the polls at such elections at which said McTammany automatic ballot machines shall be used, the canvassers shall proceed to ascertain publicly the total number of votes cast or recorded for each candidate for each office, as recorded and declared by the ballot register or tally sheet used in said machines, and such ascertainment of the results shall be deemed to be the canvassing of the votes cast at such election.

Proceedings when vote is challenged.

SECTION 4. When in any election, at which the ballot machine herein provided for is used, the right of any person offering to vote is challenged for any cause recognized by law, the selectmen or presiding officer shall furnish a blank sheet of paper on which they shall require the name and residence of the person so offering to vote to be written, either by himself or by some one in his behalf, and the selectmen or presiding officer shall add thereto the words "vote challenged by", the name of the person challenging and the cause assigned therefor, and the number of the challenged vote as shown by the indicator on the box, before the challenged person shall be allowed to vote: *provided*, that nothing contained in this section shall be so construed as to permit any election officers to receive any vote which they are by law required to refuse. Every memorandum of a challenge made as herein required shall be considered as a part of the ballot card contained in the machine and be subject to the existing laws in regard to the preservation of ballots.

Proviso.

Proceedings when voter makes a mistake in voting.

SECTION 5. If a voter makes a mistake in voting he may, before leaving the polling booth or the machine, require the person having charge of the machine to cancel his vote by marking with a blue pencil in all the spaces wherein such voter might have marked, or by taking a

record of the knobs mistakenly pushed in by the voter, which shall be subtracted from the total of the several candidates so voted for, after the final ascertainment of the result, and shall thereupon be entitled to vote again; but such cancellation and new voting shall not be permitted more than twice to any voter.

SECTION 6. At any election at which the ballot machine herein provided for is used, the selectmen shall provide a sufficient number of blank sheets of paper for ballots not more than five nor less than four and a half inches wide and not more than twelve nor less than eleven and a half inches in length with envelopes of convenient size to enclose said ballots. Any voter may vote on one of said blank ballots instead of on the machine, but no such vote shall be received by the presiding officers at any election provided for in this act, unless presented by the voter in person in a sealed envelope or open and unfolded and so that such officers can know that only one ballot is presented. The presiding officers shall provide a suitable box in which said ballots shall be deposited. Votes for different persons cast as provided in this section for the same office found in one envelope shall not be counted, and if more than one vote for the same person for the same office is found in one envelope, but one such vote shall be counted; and no vote shall be counted which does not clearly indicate in writing the office to which it is intended to elect the person voted for, except when but one officer is voted for.

Ballots, etc., for use of voters; deposit and counting of ballots.

Approved June 9, 1893.

AN ACT RELATIVE TO THE PUNISHMENT FOR RAPE.

Chap. 466

Be it enacted, etc., as follows:

SECTION 1. Whoever ravishes and carnally knows a female by force and against her will shall be punished by imprisonment in the state prison for life, or for any term of years.

Penalty for rape.

SECTION 2. Whoever unlawfully and carnally knows and abuses a female child under the age of sixteen years shall be punished by imprisonment in the state prison for life or for any term of years, or for any term in any other penal institution in the Commonwealth.

Age of consent; penalty, etc.

SECTION 3. Chapter three hundred and ninety-one of the acts of the year eighteen hundred and eighty-eight is hereby repealed.

1888, 391, repealed.

Approved June 9, 1893.

*Chap.*467 AN ACT TO AMEND AN ACT TO REVISE THE CHARTER OF THE
CITY OF LOWELL.

Be it enacted, etc., as follows:

1893, 429, §27,
amended.

Overseers of the
poor.

Vacancies.

Secretary,
superintendent,
etc.

SECTION 1. Form two of section twenty-seven of chapter four hundred and twenty-nine of the acts of the year eighteen hundred and ninety-three is hereby amended by striking out the word "ninety-three", where it occurs in said form, and inserting in place thereof the word:—
ninety-four,— so as to read as follows:— [Form Two.]
The board of overseers of the poor shall consist of the mayor, who shall be chairman ex officio, and six other citizens, neither of whom shall hold any other elective or appointive office under the city council, and shall be chosen by concurrent vote of the city council, in the month of January in each year, in the manner following, and each ward of the city shall have no more than one representative on said board. In the month of January in the year eighteen hundred and ninety-four three citizens shall be elected to serve for one year and three for two years, and thereafter in the month of January of each year three citizens shall be elected to serve for two years: *provided, however*, that if in any year of a new division of the city into wards the number of wards shall be increased, a member of said board shall be elected for each new ward, to serve for the term of two years as hereinbefore provided for. In case of a vacancy in said board the city council shall fill such vacancy by electing a citizen from the ward wherein said vacancy exists, to serve for the remainder of said term. The members of the board of overseers of the poor shall be sworn to the faithful discharge of their duties and shall serve until their successors are chosen and qualified. They may appoint a secretary and superintendent and such other subordinate officers as the ordinances of the city may require, and may define the duties of said officers: *provided, however*, that the compensation of said officers shall be established by the city council. Said board shall have all the powers heretofore conferred upon the overseers of the poor of the city of Lowell, by any general or special law, and all the powers of overseers of the poor in towns; and in addition thereto said board shall be subject to such regulations as the city council may by ordinance establish.

SECTION 2. A majority of the votes actually cast on either the first, second, third, fourth, fifth, sixth or seventh propositions submitted to the qualified voters of the city of Lowell under section thirty-three of said act shall be required for the adoption of such proposition except in the case of an equal number of votes for and against such proposition.

Votes required for adoption of certain propositions.

SECTION 3. This act shall take effect upon its passage.

Approved June 9, 1893.

AN ACT TO APPORTION AND ASSESS A STATE TAX OF TWO MILLION AND FIVE HUNDRED THOUSAND DOLLARS.

Chap. 468

Be it enacted, etc., as follows:

SECTION 1. Each city and town in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule, that is to say: —

State tax of \$2,500,000.

BARNSTABLE COUNTY.

Barnstable County.

Barnstable, . . .	Forty-two hundred dollars, . . .	\$4,200 00
Bourne, . . .	Fourteen hundred and seventy-five dollars, . . .	1,475 00
Brewster, . . .	Six hundred and fifty dollars, . . .	650 00
Chatham, . . .	Ten hundred and seventy-five dollars, . . .	1,075 00
Dennis, . . .	Seventeen hundred and fifty dollars, . . .	1,750 00
Eastham, . . .	Three hundred and twenty-five dollars, . . .	325 00
Falmouth, . . .	Fifty-nine hundred and twenty-five dollars, . . .	5,925 00
Harwich, . . .	Thirteen hundred and fifty dollars, . . .	1,350 00
Mashpee, . . .	One hundred and seventy-five dollars, . . .	175 00
Orleans, . . .	Seven hundred and twenty-five dollars, . . .	725 00
Provincetown, . . .	Twenty-six hundred and twenty-five dollars, . . .	2,625 00
Sandwich, . . .	Eleven hundred dollars, . . .	1,100 00
Truro, . . .	Four hundred dollars, . . .	400 00
Wellfleet, . . .	Eight hundred and twenty-five dollars, . . .	825 00
Yarmouth, . . .	Two thousand and fifty dollars, . . .	2,050 00
		\$24,650 00

Berkshire
County.

BERKSHIRE COUNTY.

Adams, . .	Forty-one hundred and twenty-five dollars,	\$4,125 00
Alford, . .	Two hundred and seventy-five dollars,	275 00
Becket, . .	Five hundred dollars,	500 00
Cheshire, . .	Eight hundred and twenty-five dollars,	825 00
Clarksburg, . .	Two hundred and seventy-five dollars,	275 00
Dalton, . .	Twenty-seven hundred and fifty dollars,	2,750 00
Egremont, . .	Five hundred dollars,	500 00
Florida, . .	Two hundred dollars,	200 00
Great Barrington, . .	Thirty-seven hundred and twenty-five dollars,	3,725 00
Hancock, . .	Four hundred and fifty dollars,	450 00
Hinsdale, . .	Eight hundred and fifty dollars,	850 00
Lanesborough, . .	Five hundred and seventy-five dollars,	575 00
Lee,	Twenty-one hundred and fifty dollars,	2,150 00
Lenox,	Three thousand dollars,	3,000 00
Monterey, . .	Two hundred and seventy-five dollars,	275 00
Mt. Washington, . .	Seventy-five dollars,	75 00
New Ashford, . .	Seventy-five dollars,	75 00
N. Marlborough, . .	Six hundred and seventy-five dollars,	675 00
North Adams, . .	Seven thousand and fifty dollars,	7,050 00
Otis,	Two hundred and fifty dollars,	250 00
Peru,	One hundred and twenty-five dollars,	125 00
Pittsfield, . .	Twelve thousand nine hundred and seventy-five dollars,	12,975 00
Richmond, . .	Five hundred and twenty-five dollars,	525 00
Sandisfield, . .	Four hundred dollars,	400 00
Savoy,	Two hundred and twenty-five dollars,	225 00
Sheffield, . .	One thousand dollars,	1,000 00

BERKSHIRE COUNTY — CONCLUDED.

Berkshire
County.

Stockbridge, .	Thirty-four hundred and twenty-five dollars, .	\$3,425 00
Tyringham, .	Two hundred and fifty dollars, .	250 00
Washington, .	Two hundred and twenty-five dollars, .	225 00
W. Stockbridge,	Seven hundred and seventy-five dollars, .	775 00
Williamstown, .	Twenty-four hundred and fifty dollars, .	2,450 00
Windsor, . . .	Two hundred and twenty-five dollars,	225 00
		<hr/> \$51,200 00

BRISTOL COUNTY.

Bristol County

Acushnet, . . .	Seven hundred and twenty-five dollars,	\$725 00
Attleborough, .	Forty-seven hundred and fifty dollars,	4,750 00
Berkley, . . .	Five hundred and twenty-five dollars,	525 00
Dartmouth, . .	Twenty-three hundred and fifty dollars,	2,350 00
Dighton, . . .	Nine hundred dollars,	900 00
Easton,	Fifty-five hundred and seventy-five dollars,	5,575 00
Fairhaven, . .	Nineteen hundred and seventy-five dollars,	1,975 00
Fall River, . .	Fifty-eight thousand and one hundred dollars,	58,100 00
Freetown, . . .	Ten hundred and twenty-five dollars,	1,025 00
Mansfield, . .	Eighteen hundred and fifty dollars,	1,850 00
New Bedford, .	Forty-four thousand eight hundred and twenty-five dollars,	44,825 00
N. Attleborough,	Forty-two hundred and fifty dollars,	4,250 00
Norton,	Nine hundred and twenty-five dollars,	925 00
Raynham, . . .	Ten hundred and twenty-five dollars,	1,025 00
Rehoboth, . . .	Eight hundred and twenty-five dollars,	825 00
Seekonk, . . .	Nine hundred and twenty-five dollars,	925 00

Bristol County.

BRISTOL COUNTY — CONCLUDED.

Somerset, . .	Eleven hundred and seventy-five dollars,	\$1,175 00
Swansey, . .	Fourteen hundred and fifty dollars,	1,450 00
Taunton, . .	Twenty thousand and six hundred dollars,	20,600 00
Westport, . .	Sixteen hundred dollars,	1,600 00
		<hr/> \$155,375 00

Dukes County.

DUKES COUNTY.

Chilmark, . .	Two hundred and fifty dollars,	\$250 00
Cottage City, .	Fifteen hundred and fifty dollars,	1,550 00
Edgartown, . .	Eight hundred and seventy-five dollars,	875 00
Gay Head, . .	Twenty-five dollars,	25 00
Gosnold, . . .	Two hundred and twenty-five dollars,	225 00
Tisbury, . . .	Twelve hundred dollars,	1,200 00
		<hr/> \$4,125 00

Essex County.

ESSEX COUNTY.

Amesbury, . .	Fifty-two hundred and twenty-five dollars,	\$5,225 00
Andover, . . .	Fifty-two hundred and seventy-five dollars,	5,275 00
Beverly, . . .	Fourteen thousand seven hundred and twenty-five dollars,	14,725 00
Boxford, . . .	Seven hundred and seventy-five dollars,	775 00
Bradford, . . .	Twenty-four hundred and twenty-five dollars,	2,425 00
Danvers, . . .	Forty-five hundred and seventy-five dollars,	4,575 00
Essex,	Ten hundred and seventy-five dollars,	1,075 00
Georgetown, .	Eleven hundred and seventy-five dollars,	1,175 00
Gloucester, . .	Fifteen thousand nine hundred and twenty-five dollars,	15,925 00
Groveland, . .	Ten hundred and fifty dollars,	1,050 00

ESSEX COUNTY — CONCLUDED.

Essex County.

Hamilton, . . .	Ten hundred and seventy-five dollars, . . .	\$1,075 00
Haverhill, . . .	Twenty-two thousand and three hundred dollars, . . .	22,300 00
Ipswich, . . .	Twenty-nine hundred and twenty-five dollars, . . .	2,925 00
Lawrence, . . .	Thirty-three thousand nine hundred and twenty-five dollars, . . .	33,925 00
Lynn, . . .	Forty-eight thousand eight hundred and twenty-five dollars, . . .	48,825 00
Lynnfield, . . .	Six hundred and fifty dollars, . . .	650 00
Manchester, . . .	Eighty-three hundred and twenty-five dollars, . . .	8,325 00
Marblehead, . . .	Fifty-seven hundred dollars, . . .	5,700 00
Merrimac, . . .	Sixteen hundred and fifty dollars, . . .	1,650 00
Methuen, . . .	Thirty-six hundred and twenty-five dollars, . . .	3,625 00
Middleton, . . .	Six hundred and twenty-five dollars, . . .	625 00
Nahant, . . .	Sixty-one hundred and fifty dollars, . . .	6,150 00
Newbury, . . .	Twelve hundred dollars, . . .	1,200 00
Newburyport, . . .	Eleven thousand and seven hundred dollars, . . .	11,700 00
North Andover, . . .	Thirty-six hundred and seventy-five dollars, . . .	3,675 00
Peabody, . . .	Eighty-five hundred and twenty-five dollars, . . .	8,525 00
Rockport, . . .	Twenty-three hundred and seventy-five dollars, . . .	2,375 00
Rowley, . . .	Seven hundred dollars, . . .	700 00
Salem, . . .	Thirty thousand one hundred and fifty dollars, . . .	30,150 00
Salisbury, . . .	Seven hundred dollars, . . .	700 00
Saugus, . . .	Twenty-eight hundred and twenty-five dollars, . . .	2,825 00
Swampscott, . . .	Six thousand and fifty dollars, . . .	6,050 00
Topsfield, . . .	Eleven hundred and twenty-five dollars, . . .	1,125 00
Wenham, . . .	Six hundred and fifty dollars, . . .	650 00
West Newbury, . . .	Eleven hundred and twenty-five dollars, . . .	1,125 00
		\$258,800 00

Franklin
County.

FRANKLIN COUNTY.

Ashfield, . . .	Five hundred and fifty dollars, . . .	\$550 00
Bernardston, . . .	Five hundred dollars,	500 00
Buckland, . . .	Six hundred and fifty dollars, . . .	650 00
Charlemont, . . .	Four hundred and twenty-five dol- lars,	425 00
Colrain, . . .	Six hundred and fifty dollars, . . .	650 00
Conway, . . .	Eight hundred and twenty-five dol- lars,	825 00
Deerfield, . . .	Sixteen hundred and fifty dollars, . .	1,650 00
Erving, . . .	Four hundred and twenty-five dol- lars,	425 00
Gill, . . .	Five hundred and fifty dollars, . . .	550 00
Greenfield, . . .	Fifty-six hundred and twenty-five dollars,	5,625 00
Hawley, . . .	Two hundred dollars,	200 00
Heath, . . .	Two hundred dollars,	200 00
Leverett, . . .	Three hundred and twenty-five dol- lars,	325 00
Leyden, . . .	Two hundred dollars,	200 00
Monroe, . . .	One hundred and fifty dollars, . . .	150 00
Montague, . . .	Thirty-seven hundred and seventy- five dollars,	3,775 00
New Salem, . . .	Three hundred and fifty dollars, . . .	350 00
Northfield, . . .	Nine hundred and seventy-five dol- lars,	975 00
Orange, . . .	Thirty-one hundred dollars,	3,100 00
Rowe, . . .	Two hundred and fifty dollars, . . .	250 00
Shelburne, . . .	One thousand dollars,	1,000 00
Shutesbury, . . .	One hundred and seventy-five dol- lars,	175 00
Sunderland, . . .	Four hundred and seventy-five dol- lars,	475 00
Warwick, . . .	Three hundred and twenty-five dol- lars,	325 00
Wendell, . . .	Two hundred and fifty dollars, . . .	250 00
Whately, . . .	Five hundred and twenty-five dollars,	525 00
		<hr/> \$24,125 00

HAMPDEN COUNTY.

Hampden
County.

Agawam, . . .	Fourteen hundred dollars, . . .	\$1,400 00
Blandford, . . .	Four hundred and fifty dollars, . . .	450 00
Brimfield, . . .	Five hundred dollars,	500 00
Chester,	Six hundred and fifty dollars, . . .	650 00
Chicopee,	Seventy-six hundred dollars, . . .	7,600 00
Granville,	Four hundred and twenty-five dol- lars,	425 00
Hampden,	Four hundred and fifty dollars, . . .	450 00
Holland,	One hundred dollars,	100 00
Holyoke,	Twenty-five thousand and four hun- dred dollars,	25,400 00
Longmeadow, . . .	Fourteen hundred and fifty dollars, .	1,450 00
Ludlow,	Nine hundred and seventy-five dol- lars,	975 00
Monson,	Twenty-two hundred and seventy- five dollars,	2,275 00
Montgomery, . . .	One hundred and fifty dollars, . . .	150 00
Palmer,	Twenty-nine hundred and fifty dol- lars,	2,950 00
Russell,	Five hundred and fifty dollars, . . .	550 00
Southwick,	Six hundred dollars,	600 00
Springfield, . . .	Fifty-five thousand two hundred and fifty dollars,	55,250 00
Tolland,	One hundred and seventy-five dol- lars,	175 00
Wales,	Three hundred and twenty-five dol- lars,	325 00
Westfield,	Eighty-one hundred and twenty-five dollars,	8,125 00
West Springfield, .	Thirty-nine hundred dollars,	3,900 00
Wilbraham,	Nine hundred dollars,	900 00
		<hr/> \$114,600 00

Hampshire
County.

HAMPSHIRE COUNTY.

Amherst, . .	Thirty-six hundred and fifty dollars,	\$3,650 00
Belchertown, .	Nine hundred and seventy-five dol- lars,	975 00
Chesterfield, .	Three hundred and fifty dollars, .	350 00
Cummington, .	Three hundred and fifty dollars, .	350 00
Easthampton, .	Twenty-six hundred and seventy- five dollars,	2,675 00
Enfield, . .	Nine hundred dollars,	900 00
Goshen, . .	One hundred and fifty dollars, .	150 00
Granby, . .	Five hundred dollars,	500 00
Greenwich, .	Three hundred and twenty-five dol- lars,	325 00
Hadley, . .	Eleven hundred and twenty-five dol- lars,	1,125 00
Hatfield, . .	Eleven hundred and fifty dollars, .	1,150 00
Huntington, .	Six hundred dollars,	600 00
Middlefield, .	Two hundred and seventy-five dol- lars,	275 00
Northampton, .	Ten thousand six hundred and fifty dollars,	10,650 00
Pelham, . .	Two hundred dollars,	200 00
Plainfield, .	Two hundred dollars,	200 00
Prescott, . .	Two hundred dollars,	200 00
Southampton, .	Five hundred and fifty dollars, .	550 00
South Hadley, .	Twenty-three hundred and fifty dol- lars,	2,350 00
Ware, . .	Forty-five hundred and seventy-five dollars,	4,575 00
Westhampton, .	Two hundred and seventy-five dol- lars,	275 00
Williamsburg, .	Eleven hundred dollars,	1,100 00
Worthington, .	Three hundred and fifty dollars, .	350 00
		<hr/> \$33,475 00

MIDDLESEX COUNTY.

Middlesex
County.

Acton, . . .	Sixteen hundred and twenty-five dollars, . . .	\$1,625 00
Arlington, . . .	Sixty-five hundred and twenty-five dollars, . . .	6,525 00
Ashby, . . .	Five hundred and seventy-five dollars, . . .	575 00
Ashland, . . .	Fourteen hundred and twenty-five dollars, . . .	1,425 00
Ayer, . . .	Fifteen hundred dollars, . . .	1,500 00
Bedford, . . .	Eleven hundred dollars, . . .	1,100 00
Belmont, . . .	Four thousand and fifty dollars, . . .	4,050 00
Billerica, . . .	Twenty-two hundred dollars, . . .	2,200 00
Boxborough, . . .	Two hundred and seventy-five dollars, . . .	275 00
Burlington, . . .	Five hundred and fifty dollars, . . .	550 00
Cambridge, . . .	Seventy-seven thousand eight hundred and fifty dollars, . . .	77,850 00
Carlisle, . . .	Four hundred dollars, . . .	400 00
Chelmsford, . . .	Twenty-one hundred dollars, . . .	2,100 00
Concord, . . .	Forty-five hundred dollars, . . .	4,500 00
Dracut, . . .	Seventeen hundred dollars, . . .	1,700 00
Dunstable, . . .	Three hundred and fifty dollars, . . .	350 00
Everett, . . .	Ninety-five hundred dollars, . . .	9,500 00
Framingham, . . .	Nine thousand dollars, . . .	9,000 00
Groton, . . .	Thirty-three hundred and fifty dollars, . . .	3,350 00
Holliston, . . .	Seventeen hundred and seventy-five dollars, . . .	1,775 00
Hopkinton, . . .	Twenty-six hundred and twenty-five dollars, . . .	2,625 00
Hudson, . . .	Twenty-nine hundred and fifty dollars, . . .	2,950 00
Lexington, . . .	Thirty-nine hundred and seventy-five dollars, . . .	3,975 00
Lincoln, . . .	Twenty-eight hundred dollars, . . .	2,800 00
Littleton, . . .	Nine hundred dollars, . . .	900 00
Lowell, . . .	Seventy thousand seven hundred and twenty-five dollars, . . .	70,725 00

Middlesex
County.

MIDDLESEX COUNTY — CONTINUED.

Malden, . . .	Twenty-one thousand nine hundred and fifty dollars,	\$21,950 00
Marlborough, . .	Eighty-three hundred and seventy-five dollars,	8,375 00
Maynard, . . .	Twenty-one hundred and seventy-five dollars,	2,175 00
Medford, . . .	Twelve thousand seven hundred dollars,	12,700 00
Melrose, . . .	Eighty-two hundred and twenty-five dollars,	8,225 00
Natick, . . .	Sixty-two hundred and seventy-five dollars,	6,275 00
Newton, . . .	Forty-three thousand three hundred dollars,	43,300 00
North Reading, .	Five hundred and seventy-five dollars,	575 00
Pepperell, . . .	Twenty-two hundred and twenty-five dollars,	2,225 00
Reading, . . .	Thirty-two hundred and seventy-five dollars,	3,275 00
Sherborn, . . .	Nine hundred and twenty-five dollars,	925 00
Shirley, . . .	Seven hundred and seventy-five dollars,	775 00
Somerville, . .	Thirty-nine thousand two hundred and twenty-five dollars,	39,225 00
Stoneham, . . .	Four thousand and twenty-five dollars,	4,025 00
Stow, . . .	Nine hundred and twenty-five dollars,	925 00
Sudbury, . . .	Twelve hundred and seventy-five dollars,	1,275 00
Tewksbury, . .	Fifteen hundred and twenty-five dollars,	1,525 00
Townsend, . . .	Thirteen hundred dollars,	1,300 00
Tyngsborough, .	Four hundred and fifty dollars,	450 00
Wakefield, . . .	Fifty-three hundred and fifty dollars,	5,350 00
Waltham, . . .	Eighteen thousand one hundred dollars,	18,100 00
Watertown, . .	Eighty-two hundred and seventy-five dollars,	8,275 00
Wayland, . . .	Eighteen hundred and twenty-five dollars,	1,825 00
Westford, . . .	Fourteen hundred and fifty dollars,	1,450 00
Weston, . . .	Thirty-one hundred and seventy-five dollars,	3,175 00
Wilmington, . .	Eight hundred dollars,	800 00

MIDDLESEX COUNTY — CONCLUDED.

Middlesex
County.

Winchester, .	Fifty-six hundred and seventy-five dollars,	\$5,675 00
Woburn, .	Ten thousand one hundred and fifty dollars,	10,150 00
		<hr/> \$428,625 00

NANTUCKET COUNTY.

Nantucket
County.

Nantucket, .	Thirty-three hundred and fifty dollars,	\$3,350 00
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NORFOLK COUNTY.

Norfolk
County.

Avon, . . .	Seven hundred and fifty dollars, . . .	\$750 00
Bellingham, .	Seven hundred and fifty dollars, . . .	750 00
Braintree, . .	Forty-seven hundred dollars, . . .	4,700 00
Brookline, . .	Fifty-eight thousand one hundred and twenty-five dollars, . . .	58,125 00
Canton, . . .	Forty-six hundred and fifty dollars, . . .	4,650 00
Cohasset, . . .	Fifty-four hundred and seventy-five dollars,	5,475 00
Dedham, . . .	Sixty-eight hundred and seventy-five dollars,	6,875 00
Dover,	Eight hundred and seventy-five dollars,	875 00
Foxborough, .	Seventeen hundred and twenty-five dollars,	1,725 00
Franklin, . . .	Three thousand and fifty dollars, . . .	3,050 00
Holbrook, . . .	Sixteen hundred and seventy-five dollars,	1,675 00
Hyde Park, . .	Eighty-three hundred and fifty dollars,	8,350 00
Medfield, . . .	Thirteen hundred and seventy-five dollars,	1,375 00
Medway,	Thirteen hundred and seventy-five dollars,	1,375 00
Millis,	Six hundred and twenty-five dollars,	625 00
Milton,	Sixteen thousand four hundred dollars,	16,400 00

Norfolk
County.

NORFOLK COUNTY — CONCLUDED.

Needham, . .	Twenty-seven hundred and twenty-five dollars,	\$2,725 00
Norfolk, . .	Five hundred and seventy-five dollars,	575 00
Norwood, . .	Twenty-nine hundred and fifty dollars,	2,950 00
Quincy, . .	Fifteen thousand five hundred and seventy-five dollars,	15,575 00
Randolph, . .	Twenty-seven hundred and twenty-five dollars,	2,725 00
Sharon, . .	Thirteen hundred and seventy-five dollars,	1,375 00
Stoughton, . .	Twenty-eight hundred and seventy-five dollars,	2,875 00
Walpole, . .	Twenty-one hundred and fifty dollars,	2,150 00
Wellesley, . .	Sixty-six hundred and seventy-five dollars,	6,675 00
Weymouth, . .	Seventy-five hundred and seventy-five dollars,	7,575 00
Wrentham, . .	Sixteen hundred and twenty-five dollars,	1,625 00
		<hr/> \$163,600 00

Plymouth
County.

PLYMOUTH COUNTY.

Abington, . .	Twenty-five hundred and seventy-five dollars,	\$2,575 00
Bridgewater, . .	Twenty-nine hundred and twenty-five dollars,	2,925 00
Brockton, . .	Twenty thousand two hundred and twenty-five dollars,	20,225 00
Carver, . .	Eight hundred dollars,	800 00
Duxbury, . .	Fifteen hundred and fifty dollars,	1,550 00
E. Bridgewater, . .	Eighteen hundred dollars,	1,800 00
Halifax, . .	Three hundred and twenty-five dollars,	325 00
Hanover, . .	Fourteen hundred and seventy-five dollars,	1,475 00
Hanson, . .	Seven hundred and twenty-five dollars,	725 00
Hingham, . .	Forty-seven hundred and fifty dollars,	4,750 00
Hull, . .	Twenty-four hundred and seventy-five dollars,	2,475 00

PLYMOUTH COUNTY — CONCLUDED.

Plymouth
County.

Kingston, . . .	Nineteen hundred and fifty dollars, .	\$1,950 00
Lakeville, . . .	Six hundred dollars,	600 00
Marion,	Eleven hundred and fifty dollars, .	1,150 00
Marshfield, . .	Fourteen hundred dollars,	1,400 00
Mattapoisett, .	Seventeen hundred and twenty-five dollars,	1,725 00
Middleborough,	Forty-three hundred and fifty dol- lars,	4,350 00
Norwell,	Twelve hundred and twenty-five dollars,	1,225 00
Pembroke, . . .	Seven hundred and fifty dollars, . .	750 00
Plymouth, . . .	Sixty-eight hundred dollars,	6,800 00
Plympton, . . .	Three hundred and fifty dollars, . .	350 00
Rochester, . . .	Five hundred and fifty dollars, . . .	550 00
Rockland, . . .	Three thousand and seventy-five dollars,	3,075 00
Scituate,	Twenty-one hundred and fifty dol- lars,	2,150 00
Wareham,	Twenty-one hundred and fifty dol- lars,	2,150 00
W. Bridgewater,	Twelve hundred and twenty-five dollars,	1,225 00
Whitman,	Thirty-six hundred dollars,	3,600 00
		<hr/> \$72,675 00

SUFFOLK COUNTY.

Suffolk
County.

Boston,	Nine hundred fourteen thousand three hundred and seventy-five dollars,	\$914,375 00
Chelsea,	Twenty-three thousand four hun- dred dollars,	23,400 00
Revere,	Fifty-seven hundred and seventy- five dollars,	5,775 00
Winthrop, . . .	Thirty-eight hundred and twenty- five dollars,	3,825 00
		<hr/> \$947,375 00

Worcester
County.

WORCESTER COUNTY.

Ashburnham, . .	Eleven hundred and fifty dollars, . .	\$1,150 00
Athol, . . .	Thirty-five hundred and fifty dol- lars,	3,550 00
Auburn, . . .	Six hundred dollars,	600 00
Barre, . . .	Seventeen hundred dollars, . . .	1,700 00
Berlin, . . .	Five hundred and fifty dollars, . .	550 00
Blackstone, . .	Twenty-nine hundred and fifty dol- lars,	2,950 00
Bolton, . . .	Five hundred and fifty dollars, . .	550 00
Boylston, . . .	Five hundred and fifty dollars, . .	550 00
Brookfield, . .	Fifteen hundred and seventy-five dollars,	1,575 00
Charlton, . . .	Ten hundred and seventy-five dol- lars,	1,075 00
Clinton, . . .	Sixty-eight hundred and twenty- five dollars,	6,825 00
Dana, . . .	Three hundred and twenty-five dol- lars,	325 00
Douglas, . . .	Eleven hundred and twenty-five dol- lars,	1,125 00
Dudley, . . .	Eleven hundred and seventy-five dollars,	1,175 00
Fitchburg, . .	Nineteen thousand four hundred dollars,	19,400 00
Gardner, . . .	Five thousand and fifty dollars, . .	5,050 00
Grafton, . . .	Twenty-six hundred and seventy- five dollars,	2,675 00
Hardwick, . . .	Sixteen hundred and fifty dollars, .	1,650 00
Harvard, . . .	Twelve hundred and seventy-five dollars,	1,275 00
Holden, . . .	Twelve hundred dollars,	1,200 00
Hopedale, . . .	Twenty-three hundred and seventy- five dollars,	2,375 00
Hubbardston, .	Eight hundred dollars,	800 00
Lancaster, . .	Thirty-six hundred and seventy-five dollars,	3,675 00
Leicester, . . .	Twenty-five hundred and fifty dol- lars,	2,550 00
Leominster, . .	Fifty-four hundred and seventy-five dollars,	5,475 00
Lunenburg, . .	Eight hundred dollars,	800 00

WORCESTER COUNTY — CONTINUED.

Worcester
County.

Mendon, . . .	Six hundred and fifty dollars, . . .	\$650 00
Milford, . . .	Fifty-seven hundred and fifty dol- lars, . . .	5,750 00
Millbury, . . .	Twenty-three hundred and fifty dol- lars, . . .	2,350 00
New Braintree, .	Four hundred and seventy-five dol- lars, . . .	475 00
Northborough, .	Fourteen hundred and seventy-five dollars, . . .	1,475 00
Northbridge, . .	Thirty-seven hundred and fifty dol- lars, . . .	3,750 00
N. Brookfield, .	Twenty-one hundred and seventy- five dollars, . . .	2,175 00
Oakham, . . .	Three hundred and seventy-five dol- lars, . . .	375 00
Oxford, . . .	Fifteen hundred and twenty-five dol- lars, . . .	1,525 00
Paxton, . . .	Three hundred dollars, . . .	300 00
Petersham, . . .	Six hundred and fifty dollars, . . .	650 00
Phillipston, . . .	Three hundred dollars, . . .	300 00
Princeton, . . .	Nine hundred and twenty-five dol- lars, . . .	925 00
Royalston, . . .	Seven hundred and seventy-five dol- lars, . . .	775 00
Rutland, . . .	Five hundred and seventy-five dol- lars, . . .	575 00
Shrewsbury, . . .	Eleven hundred and fifty dollars, . .	1,150 00
Southborough, .	Eighteen hundred and seventy-five dollars, . . .	1,875 00
Southbridge, . .	Forty-one hundred and twenty-five dollars, . . .	4,125 00
Spencer, . . .	Fifty-two hundred and twenty-five dollars, . . .	5,225 00
Sterling, . . .	Nine hundred and fifty dollars, . . .	950 00
Sturbridge, . . .	Ten hundred and seventy-five dol- lars, . . .	1,075 00
Sutton, . . .	Fourteen hundred and twenty-five dollars, . . .	1,425 00
Templeton, . . .	Fifteen hundred and twenty-five dol- lars, . . .	1,525 00
Upton, . . .	Ten hundred and fifty dollars, . . .	1,050 00
Uxbridge, . . .	Twenty-four hundred and twenty- five dollars, . . .	2,425 00
Warren, . . .	Twenty-eight hundred and seventy- five dollars, . . .	2,875 00

Worcester
County.

WORCESTER COUNTY — CONCLUDED.

Webster, . . .	Thirty-eight hundred dollars, . . .	\$3,800 00
Westborough, . .	Thirty-one hundred and seventy-five dollars, . . .	3,175 00
West Boylston, . .	Fourteen hundred and fifty dollars, . .	1,450 00
W. Brookfield, . .	Nine hundred and fifty dollars, . . .	950 00
Westminster, . . .	Nine hundred dollars,	900 00
Winchendon, . . .	Twenty-four hundred and twenty- five dollars,	2,425 00
Worcester,	Eighty-eight thousand nine hundred and fifty dollars,	88,950 00
		<hr/> \$218,025 00

Recapitulation.

RECAPITULATION.

Barnstable Co., . .	Twenty-four thousand six hundred and fifty dollars,	\$24,650 00
Berkshire Co., . . .	Fifty-one thousand and two hundred dollars,	51,200 00
Bristol Co.,	One hundred fifty-five thousand three hundred and seventy-five dollars,	155,375 00
Dukes Co.,	Forty-one hundred and twenty-five dollars,	4,125 00
Essex Co.,	Two hundred fifty-eight thousand and eight hundred dollars,	258,800 00
Franklin Co.,	Twenty-four thousand one hundred and twenty-five dollars,	24,125 00
Hampden Co.,	One hundred fourteen thousand and six hundred dollars,	114,600 00
Hampshire Co., . . .	Thirty-three thousand four hundred and seventy-five dollars,	33,475 00
Middlesex Co., . . .	Four hundred twenty-eight thousand six hundred and twenty-five dol- lars,	428,625 00
Nantucket Co., . . .	Thirty-three hundred and fifty dol- lars,	3,350 00
Norfolk Co.,	One hundred sixty-three thousand and six hundred dollars,	163,600 00
Plymouth Co., . . .	Seventy-two thousand six hundred and seventy-five dollars,	72,675 00
Suffolk Co.,	Nine hundred forty-seven thousand three hundred and seventy-five dollars,	947,375 00
Worcester Co., . . .	Two hundred eighteen thousand and twenty-five dollars,	218,025 00
		<hr/> \$2,500,000 00

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them respectively to assess the sum so charged, according to the provisions of chapter eleven of the Public Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city and town.

Treasurer to
issue warrant.

SECTION 3. The treasurer of the Commonwealth in his warrant shall require the said selectmen or assessors to pay, or issue severally their warrant or warrants requiring the treasurers of their several cities or towns to pay, to the treasurer of the Commonwealth, on or before the tenth day of December in the year eighteen hundred and ninety-three, the sums set against said cities and towns in the schedule aforesaid; and the selectmen or assessors respectively shall return a certificate of the names of the treasurers of their several cities and towns, with the sum which each may be required to collect, to the treasurer of the Commonwealth at some time before the first day of October in the year eighteen hundred and ninety-three.

Selectmen or
assessors to
issue warrants;
to city or town
treasurers.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of such delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency from and after the tenth day of December in the year eighteen hundred and ninety-three; and if the same remains unpaid after the first day of January in the year eighteen hundred and ninety-four, an information may be filed by the treasurer of the Commonwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town to enforce the payment of said taxes under such penalties as said court or the justice thereof before whom the hearing is had shall order.

Notice to treasurers of delinquent cities and towns, etc.

Warrant of
distress may
issue.

SECTION 5. This act shall take effect upon its passage.

Approved June 9, 1893.

Chap. 469 AN ACT FIXING THE SALARIES OF JUDGES, REGISTERS, ASSISTANT
REGISTERS AND OTHER OFFICERS OF COURTS OF PROBATE AND
INSOLVENCY.

Be it enacted, etc., as follows :

**Salaries estab-
lished.**

SECTION 1. Judges, registers, assistant registers and other officers of probate and insolvency courts shall receive from the treasury of the Commonwealth annual salaries as follows : For the county of Barnstable, the judge and register each, thirteen hundred dollars ; of Berkshire, the judge, eighteen hundred dollars ; the register, eighteen hundred dollars ; of Bristol, the judge, three thousand dollars ; the register, twenty-five hundred dollars ; of Dukes County, the judge and register each, seven hundred dollars ; of Essex, the judge, thirty-seven hundred dollars ; the register, thirty-three hundred dollars ; the assistant register, eighteen hundred dollars ; of Franklin, the judge and register each, fifteen hundred dollars ; of Hampden, the judge, twenty-seven hundred dollars ; the register, twenty-five hundred dollars ; of Hampshire, the judge and register each, sixteen hundred dollars ; of Middlesex, the judge, forty-five hundred dollars ; the register, four thousand dollars ; the assistant register, two thousand dollars ; of Nantucket, the judge and register each, seven hundred dollars ; of Norfolk, the judge, twenty-eight hundred dollars ; the register, twenty-three hundred dollars ; the assistant register, twelve hundred dollars ; of Plymouth, the judge, two thousand dollars ; the register, eighteen hundred dollars ; of Suffolk, the judges each, five thousand dollars ; the register, five thousand dollars ; the assistant register, twenty-eight hundred dollars ; and the clerk, twelve hundred dollars ; of Worcester, the judge, thirty-five hundred dollars ; the register, three thousand dollars ; and the assistant register, eighteen hundred dollars.

**Registers to
furnish copies,
etc. ; fees.**

SECTION 2. Registers of probate and insolvency shall furnish copies of records or other papers in their charge, and shall collect for the same fees as now provided by chapter one hundred and ninety-nine of the Public Statutes, and acts amendatory thereof, for similar copies, unless the fees are otherwise fixed by law. And the provisions of sections twenty-three, twenty-four, twenty-five, twenty-six and twenty-seven of said chapter one hundred

and ninety-nine of the Public Statutes shall hereafter apply to registers of probate and insolvency.

SECTION 3. Registers of probate and insolvency shall hereafter account for and pay over all fees and compensation received by them, otherwise than by salary, to the treasurer of the Commonwealth quarterly on the first Mondays of January, April, July and October.

Registers to account for fees, etc.

SECTION 4. Section twenty-three of chapter one hundred and fifty-eight of the Public Statutes; chapters one hundred and twenty-nine and one hundred and forty-four of the acts of the year eighteen hundred and eighty-two; chapter two hundred and forty-four of the acts of the year eighteen hundred and eighty-three; chapters one hundred and ninety-two and two hundred and forty-eight of the acts of the year eighteen hundred and eighty-four; chapters one hundred and sixty-five, two hundred and three, two hundred and seventy-five and three hundred and eighteen of the acts of the year eighteen hundred and eighty-five; chapters one hundred and eighty-three, one hundred and eighty-four and one hundred and eighty-nine of the acts of the year eighteen hundred and eighty-six; chapters seventy-two, one hundred and sixty-six, two hundred and fifty-nine and two hundred and seventy-three of the acts of the year eighteen hundred and eighty-seven; chapters one hundred and twelve and one hundred and fifty-two of the acts of the year eighteen hundred and eighty-eight; chapters two hundred and eleven and two hundred and fifty-one of the acts of the year eighteen hundred and eighty-nine; chapter one hundred and fifteen of the acts of the year eighteen hundred and ninety; chapters ninety-one and three hundred and eighteen of the acts of the year eighteen hundred and ninety-one, and all other acts or parts of acts inconsistent herewith, are hereby repealed.

Repeal.

SECTION 5. This act shall take effect on the first day of July in the year eighteen hundred and ninety-three.

To take effect July 1, 1893.

Approved June 9, 1893.

AN ACT TO PROVIDE FOR THE CARE AND SUPERVISION OF THE PROVINCE LANDS AT PROVINCETOWN.

Chap. 470

Be it enacted, etc., as follows:

SECTION 1. The board of harbor and land commissioners shall have general care and supervision of so much of the province lands at Provincetown as lies north and

Care and supervision of province lands within certain lines.

west of a line beginning at a point at or near the shore of Provincetown harbor, in latitude north forty-two degrees, two minutes, and longitude west seventy degrees, eleven minutes, forty-five seconds; thence northwesterly to a point in latitude north forty-two degrees, three minutes, eight seconds, and longitude west seventy degrees, twelve minutes, forty-eight seconds; thence northeasterly to a point in latitude north forty-two degrees, three minutes, twenty-eight seconds, and longitude west seventy degrees, eleven minutes, thirty-three seconds; thence due north to a point in latitude north forty-two degrees, three minutes, forty-eight seconds; thence due east to a point in the eastern boundary of the province lands.

Bounds, regula-
tions, superin-
tendent, etc.

SECTION 2. The said commissioners shall fix and mark the bounds of the province lands within their jurisdiction, shall establish regulations for the care thereof, shall annually appoint a superintendent thereof, and with the approval of the governor and council shall fix the amount of his salary and the amount which may be expended by him in the protection and improvement of said land.

Repeal.

SECTION 3. Chapter two hundred and eighteen of the acts of the year eighteen hundred and sixty-nine, and all other acts or parts of acts inconsistent with the first two sections of this act, are hereby repealed.

Portion of prov-
ince lands
exempt from
certain provi-
sions of law.

SECTION 4. Section three of chapter nineteen of the Public Statutes, chapter two hundred and sixty-one of the acts of the year eighteen hundred and fifty-four, chapter one hundred and forty-four of the acts of the year eighteen hundred and eighty-six, so much of section eleven of chapter one hundred and ninety-six of the Public Statutes and all other acts or parts of acts which refer to the province lands at Provincetown, except the act incorporating said town, shall not hereafter apply to that portion of said province lands lying east and south of the line fixed in the first section of this act, and so much of section one of chapter eleven of the province laws of the year seventeen hundred and twenty-seven as is contained in the following words "Saving always the right and title of this province to the said lands which is to be in no wise prejudiced", is hereby repealed, so far as it applies to that portion of the province lands lying east and south of said line.

Repeal.

SECTION 5. This act shall take effect upon its passage.

Approved June 10, 1893.

AN ACT TO SUPPLY THE CITY OF NEWBURYPORT WITH WATER.

Chap. 471

Be it enacted, etc., as follows:

SECTION 1. The city of Newburyport may supply itself and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing and other purposes, and may establish fountains and hydrants, relocate or discontinue the same; may regulate the use of such water and fix and collect rates to be paid for the use of the same.

May supply
itself with
water.

SECTION 2. The said city, for the purposes aforesaid, may take, by purchase or otherwise, and hold the waters of any pond, stream, spring or wells within the limits of said city not heretofore taken or purchased by the Newburyport Water Company and the Artichoke river in West Newbury and Newburyport and the water rights connected therewith; and obtain and take water by means of bored, driven, artesian or other wells, on any land within said city, and hold and convey said water through said city and through said town of West Newbury from said ponds and said river; and may also take and hold, by purchase or otherwise, all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said city of Newburyport; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures; and may make excavations, procure and operate machinery and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads or public or private ways and along any such way in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works and for all proper purposes of this act, said city may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon.

May take cer-
tain water,
lands, etc.

May erect
structures, etc.,
lay down
pipes, etc.

SECTION 3. The city shall, within sixty days after the taking of any lands, rights of way, water rights, water

Record of lands,
etc., taken, etc.

sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county within which the same are situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

Damages.

SECTION 4. The city shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said city under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said city as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said city under the authority of this act.

Newburyport
Water Loan.

SECTION 5. The said city may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate four hundred thousand dollars; such bonds, notes or scrip shall bear on their face the words, Newburyport Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the city and be countersigned by the water commissioners hereinafter provided for. The said city may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold for less than the par value thereof. The city shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute

Sinking fund.

to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

SECTION 6. The said city instead of establishing a sinking fund may, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall, without further vote, be assessed by the assessors of said city in each year thereafter, until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Annual proportionate payments.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established, whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

Return of amount of sinking fund or annual payment.

SECTION 8. The said city shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said city, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Payment of expense, interest, etc.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said city under the authority and for the purposes of this act, shall forfeit and pay to said city three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for wilful corruption or diversion of water, etc.

SECTION 10. The powers and duties granted to and imposed upon the city of Newburyport by this act shall be exercised by a board of water commissioners, consist-

Water commissioners, appointment, terms of office, etc.

ing of five residents of the city, to be appointed by the mayor with the approval of the city council. Said commissioners shall be appointed and hold their office, from the time of their appointment and approval, for the terms of one, two, three, four and five years, respectively, from the first Monday of May next following their appointment; and thereafter one commissioner shall be appointed each year for the term of five years from the first Monday of May. All such commissioners, except in case of removal, shall hold office until their successors are appointed in their stead. Vacancies occurring during the term may be filled for the remainder of the term. No person shall be appointed commissioner who holds at the time any city office by popular election. Any commissioner, after due notice and hearing, may be removed at any time by a two thirds vote of each branch of the city council, for any cause which shall be deemed sufficient and shall be expressed in the vote of removal. The commissioners shall receive no compensation for their services unless the city council by a two thirds vote of each branch thereof otherwise determine, and in such case the amount of compensation may be fixed by a like two thirds vote.

Water rates.

SECTION 11. The water commissioners shall fix such prices or rents for the use of water as shall produce annually, as near as may be, a net surplus equal to two per centum of the total amount of the bonds, notes and scrip issued under this act, after paying all current expenses of operating the water works and interest upon loans, and after the payment of all expenses for new construction not exceeding ten thousand dollars in any one year. The commissioners of sinking funds of the city of Newburyport shall be trustees of a sinking fund which shall be set apart for the payment and redemption of said water loan, and which shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose. The net surplus aforesaid shall be paid into the sinking fund, and if said surplus does not equal two per centum of the total amount of the bonds, notes and scrip issued under this act, the city shall raise by general taxation a sum which with the surplus shall equal said two per centum and shall contribute said sum to the sinking fund. The commissioners shall annually, and as often as the city council may require, render an account of all their doings in relation to the sinking fund, and shall be governed by

Trustees of
sinking fund.

the provisions of section eleven of chapter twenty-nine of the Public Statutes, except as herein otherwise provided.

SECTION 12. At any time within sixty days after the passage of this act, and not after sixty, the Newburyport Water Company may notify the mayor of Newburyport in writing that it desires to sell to said city its corporate property and all the rights and privileges of said company, and execute and deliver to said city proper deeds and instruments in writing, conveying to said city the property aforesaid: *provided, however*, the legal voters of the city of Newburyport at legal meetings to be called in the several wards of said city within six months after said notification has been received as aforesaid, shall by a majority vote of the voters of said city present and voting thereon at such meetings vote to purchase the aforesaid property upon the terms and conditions contained in this section, whereupon the property thus conveyed shall become the property of the city of Newburyport, and said city shall be liable to pay to said company the fair value of the property thus conveyed; and in case the said city and the said company shall be unable to agree upon the value of said property, the supreme judicial court may, upon application of either party and notice to the other, appoint three commissioners, one of whom shall be a skilled engineer, and one learned in the law, who shall determine the fair value of said property conveyed as aforesaid, and whose award when accepted by the court shall be final.

Sale of property, etc., of Newburyport Water Company.

Purchase subject to majority vote.

Commissioners to determine valuation of property.

SECTION 13. After the vote provided for in section twelve of this act, or provided the Newburyport Water Company does not so notify the said mayor within said sixty days, this act shall be submitted to the legal voters of the city of Newburyport for their acceptance or rejection, at legal meetings to be called in the several wards of said city within eight months from the passage of this act, and shall take effect from and after its acceptance by a two thirds vote of the voters of said city present and voting thereon at such meetings. The vote shall be by separate ballot, and the ballot shall be Yes, or No, in answer to the question, "Shall the city of Newburyport accept chapter — of the acts of eighteen hundred and ninety-three, authorizing the city of Newburyport to establish and maintain a system of water supply for domestic and other uses?" This act shall be void if not accepted by said vote.

To take effect upon acceptance by a two thirds vote.

Approved June 10, 1893.

*Chap.*472 AN ACT RELATIVE TO COMPLAINTS AGAINST REGISTERED PHARMACISTS.

Be it enacted, etc., as follows:

Investigation of
complaints
against reg-
istered phar-
macists, etc.

SECTION 1. The board of registration in pharmacy shall investigate all complaints made to them against any person registered as a pharmacist, under the provisions of chapter three hundred and thirteen of the acts of the year eighteen hundred and eighty-five, charging him with suffering or permitting the use of his name or his certificate of registration by others in the conduct of the business of pharmacy, when he himself is not the owner and actively engaged in such business; engaging in, aiding or abetting or, in his business as a pharmacist, violating any of the laws of the Commonwealth now under the supervision of the board of registration in pharmacy, and especially the laws relating to the sale of intoxicating liquor. Such complaint shall be a sworn statement and shall be made within fifteen days of the date of the act complained of.

Notification,
hearing, etc.

SECTION 2. Said board shall notify the person complained against, of the charge made against him, and of the time and place when and where the matter will be heard by them. He may then and there appear before the board with his witnesses and be heard by counsel. Any three of the members of the board shall be a quorum for such hearing. Either member of the board may administer oaths to the witnesses at such hearing, and any person so sworn who wilfully swears or affirms falsely respecting any matter upon which his testimony is required shall be deemed guilty of perjury.

Suspension or
revocation of
certificate of
registration.

SECTION 3. If the full board, sitting at such hearing, shall find that the person complained against is guilty of the act or acts charged against him, said board may suspend his registration as a pharmacist and his certificate thereof, for such term as the board in their judgment, after due consideration of all facts, may deem for the best interest of the public, not exceeding for the first offence one year, unless the case should be a flagrant one, and in such case may revoke it altogether; but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law, until after conviction by a court of competent jurisdiction.

SECTION 4. Any person not being a registered pharmacist who shall procure a sixth class license to sell intoxicating liquor, in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and being himself the owner or manager of the place, shall by himself or his servants sell intoxicating liquor, shall upon conviction thereof be fined not less than fifty dollars nor more than five hundred dollars, and imprisoned in the house of correction for a term of not less than one month nor more than six months, and the provisions of section eight of chapter two hundred and fifteen of the Public Statutes shall not apply to such sentence.

Penalty for selling intoxicating liquor in name of registered pharmacist, etc.

SECTION 5. Any license of the sixth class shall cease and become null and void, without any process or decree, whenever the registered pharmacist to whom it has been granted shall cease to conduct his business in person and on his own account, or upon the revocation of his registration as such pharmacist, and of his certificate thereof; excepting cases where the registered pharmacist has died or become incapacitated, and his business is continued by his widow, executor or administrator, under a registered pharmacist.

License to be void when licensee ceases to do business, etc., except, etc.

SECTION 6. It shall be the duty of the board of pharmacy to prosecute all persons violating section four of this act.

Prosecution.

SECTION 7. In order to properly carry out the provisions of this act the board of registration in pharmacy may expend annually a sum not exceeding two thousand dollars, and an itemized statement of all expenses incurred shall be filed with the auditor of the Commonwealth, who, after they have been properly approved, shall allow them in the same manner as other claims against the Commonwealth.

Annual expenditure, statement, etc.

SECTION 8. This act shall take effect upon its passage.

Approved June 10, 1893.

AN ACT RELATING TO THE ELECTION OF MEMBERS OF THE BOARD OF ALDERMEN IN THE CITY OF BOSTON.

Chap. 473

Be it enacted, etc., as follows:

SECTION 1. In Boston there shall be chosen at the municipal election in the year eighteen hundred and ninety-three, and annually thereafter, twelve aldermen at large.

Twelve aldermen at large.

Manner of voting, determination, etc.

SECTION 2. No voter shall vote for more than seven aldermen on one ballot, and the twelve having the highest number of votes shall be declared elected. All vacancies shall be filled by a new election.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

To take effect upon acceptance.

SECTION 4. This act shall take effect if accepted by the voters of Boston at the next state election.

Approved June 10, 1893.

Chap. 474

AN ACT RELATING TO THE BAY STATE GAS COMPANY.

Be it enacted, etc., as follows:

Charter of Bay State Gas Company revoked.

SECTION 1. The charter of the Bay State Gas Company is hereby revoked and annulled, and said corporation shall be subject to the provisions of sections forty-one to forty-five, inclusive, of chapter one hundred and five of the Public Statutes, so far as the same are applicable, and subject to the provisions hereinafter contained.

Appointment of receiver, etc.

SECTION 2. The supreme judicial court shall, on application made as provided in section forty-two of chapter one hundred and five of the Public Statutes, or on application of the mayor of the city of Boston, appoint a receiver of the said Bay State Gas Company, who shall hold and distribute the estate and effects of the said company as provided in sections forty-two to forty-five, inclusive, of said chapter one hundred and five of the Public Statutes.

Sections one and two to take effect, unless, etc.

SECTION 3. Sections one and two of this act shall take effect on the first day of December in the year eighteen hundred and ninety-three; unless the said Bay State Gas Company shall, prior to said day, procure or cause a certain obligation for four million, five hundred thousand dollars, dated the eleventh day of March in the year eighteen hundred and eighty-five, and issued by said company as part consideration for a contract for the construction of its works, to be legally cancelled and discharged, and shall surrender and deliver the said obligation thus legally cancelled and discharged to the commissioner of corporations.

Issue of stock, valuation of property, etc.

SECTION 4. The said Bay State Gas Company may, for the purpose of procuring such cancellation and delivery of said obligation, issue to the holder or holders of said obligation upon the said delivery, stock to an amount equal to the excess of the actual market value of the property of said company over five hundred thousand dollars, not including therein any value for its franchises. The

said value of said property shall be determined by three disinterested persons to be appointed as commissioners by the supreme judicial court, upon application of the said company, after notice to the mayor of the city of Boston, who shall be a party to all proceedings before the said commissioners. Stock may be issued under the provisions of this act only after the findings of said commissioners have been approved by the court, after due notice to all parties interested, and only in the event that the aggregate amount of stock, bonds, notes and other liabilities of said company outstanding at the time of such issue shall not exceed the said value of the property found and approved as aforesaid.

SECTION 5. It shall not be lawful for the said Bay State Gas Company to issue any stock or bonds or to assume any liabilities or to pay any consideration for or on account of the principal of the said obligation, or for the purpose of procuring the cancellation and delivery thereof, except as provided in this act.

Not to issue stock, etc., except as herein provided.

SECTION 6. Sections four and five of this act shall take effect upon its passage.

When to take effect.

Approved June 10, 1893.

AN ACT TO PROVIDE FOR THE IMPROVEMENT OF CHARLES RIVER.
Be it enacted, etc., as follows:

Chap. 475

SECTION 1. The board of metropolitan park commissioners, established under the provisions of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, and the state board of health, sitting as a joint board, shall investigate the sanitary condition and prepare plans for the improvement of the beds, shores and waters of the Charles river, between Charles river bridge and the Waltham line on Charles river, and for the removal of any nuisances therefrom, and report with their recommendations to the next general court on or before the first Wednesday in February.

Investigation and report of condition of Charles river, etc.

SECTION 2. Said commissioners may employ engineers and experts and incur such expenses as may be necessary to carry out the provisions of this act, and may expend for such purpose a sum not exceeding five thousand dollars. All bills shall be approved and filed with the auditor and allowed in the same manner as other claims against the Commonwealth.

Employment of engineers, etc.

SECTION 3. This act shall take effect upon its passage.

Approved June 10, 1893.

Chap. 476 AN ACT TO PROVIDE FOR THE APPOINTMENT OF A HIGHWAY COMMISSION TO IMPROVE THE PUBLIC ROADS AND TO DEFINE ITS POWERS AND DUTIES.

Be it enacted, etc., as follows:

Massachusetts
Highway Com-
mission, ap-
pointment,
term of office,
compensation,
etc.

SECTION 1. The governor, with the advice and consent of the council, shall, within thirty days after the passage of this act, appoint three competent persons, to serve as the Massachusetts Highway Commission. Their terms of office shall be so arranged and designated at the time of their appointment that the term of one member shall expire in three years, one in two years and one in one year. The full term of office thereafter shall be for three years, and all vacancies occurring shall be filled by the governor, with the advice and consent of the council. The members of said board may be removed by the governor, with the advice and consent of the council, for such cause as he shall deem sufficient and shall express in the order of removal. They shall each receive in full compensation for their services an annual salary of two thousand dollars, payable in equal monthly instalments, and also their travelling expenses. They may expend annually for clerk hire, engineers and for defraying expenses incidental to and necessary for the performance of their duties, exclusive of office rent, the sum of two thousand dollars. They shall be provided with an office in the state house or some other suitable place in the city of Boston, in which the records of their office shall be kept. They may establish rules and regulations for the conduct of business and for carrying out the provisions of this act.

to compile
statistics, make
investigations,
advise officers,
prepare maps,
etc.

SECTION 2. They shall from time to time compile statistics relating to the public roads of cities, towns and counties, and make such investigations relating thereto as they shall deem expedient. They may be consulted at all reasonable times, without charge, by officers of counties, cities or towns having the care of and authority over public roads, and shall without charge advise them relative to the construction, repair, alteration or maintenance of the same; but advice given by them to any such officers shall not impair the legal duties and obligations of any county, city or town. They shall prepare a map or maps of the Commonwealth on which shall be shown county, city and town boundaries and also the

public roads, particularly the state highways, giving, when practicable, the names of the same. They shall collect and collate information concerning the geological formation of this Commonwealth, so far as it relates to the material suitable and proper for road building, and shall, so far as practicable, designate on said map or maps the location of such material. Such map or maps shall at all reasonable times be open for the inspection of officers of counties, cities and towns having the care of and authority over public roads. They shall each year hold at least one public meeting in each county for the open discussion of questions relating to the public roads, due notice of which shall be given in the press or otherwise.

Massachusetts
Highway
Commission
to hold public
meetings.

SECTION 3. They shall make an annual report to the legislature of their doings and the expenditures of their office, together with such statements, facts and explanations bearing upon the construction and maintenance of public roads, and such suggestions and recommendations as to the general policy of the Commonwealth in respect to the same as may seem to them appropriate. Their report shall be transmitted to the secretary of the Commonwealth on or before the first Wednesday in January of each year, to be laid before the legislature. All maps, plans and statistics collected and compiled under their direction shall be preserved in their office.

Annual report,
etc.

SECTION 4. County commissioners and city and town officers having the care of and authority over public roads and bridges throughout the Commonwealth shall, on request, furnish the commissioners any information required by them concerning the roads and bridges within their jurisdiction.

Officers to fur-
nish commission
with infor-
mation.

SECTION 5. For the purpose of carrying out the provisions of this act said commission may expend such sums for necessary assistants, the procuring of necessary supplies, instruments, material, machinery and other property, and for the construction and maintenance of state highways, as shall from time to time be appropriated by the legislature; and they shall in their annual report state what sums they deem necessary for the year commencing with the first day of March following.

Expenditure.

SECTION 6. Whenever the county commissioners of a county adjudge that the common necessity and convenience require that the Commonwealth acquire as a state

State highway,
proceedings
upon petition of
county commis-
sioners.

State highway,
proceedings
upon petition
of county com-
missioners.

highway a new or an existing road in that county, they may apply by petition in writing to the Massachusetts highway commission, stating the road they recommend, and setting forth a detailed description of said road by metes and bounds, together with a plan and profile of the same. Said commission shall consider such petition, and if they adjudge that it ought to be allowed, they shall in writing so notify said county commissioners. It shall then become the duty of said county commissioners to cause said road to be surveyed and laid out in the manner provided for the laying out and alteration of highways, the entire expense thereof to be borne and paid by said county. Said county commissioners shall preserve a copy of such petition, plans and profiles with their records for public inspection. When said commission shall be satisfied that said county commissioners have properly surveyed and laid out said road, and set in place suitable monuments, and have furnished said commission with plans and profiles, on which shall be shown such monuments and established grades, in accordance with the rules and regulations of said commission, said commission may approve the same, and so notify in writing said county commissioners. Said commission shall then present a certified copy of said petition, on which their approval shall be indicated, together with their estimates for constructing said road and the estimated annual cost for maintaining the same, to the secretary of the Commonwealth, who shall at once lay the same before the legislature, if it is in session, otherwise on the second Wednesday of January following. If the legislature makes appropriation for constructing said road, said commission shall cause said road to be constructed in accordance with this act, and when completed and approved by them said road shall become a state highway, and thereafter be maintained by the Commonwealth under the supervision of said commission.

proceedings
upon petition of
two or more
cities or towns.

SECTION 7. Two or more cities or towns may petition the said commission representing that, in their opinion, the common necessity and convenience require that the Commonwealth should acquire as a state highway a new or an existing road leading from one city or town to another, which petition shall be accompanied by a detailed description of such road by metes and bounds, and also a plan and profile of the same. If said commission

adjudge that the common necessity and convenience require such road to be laid out and acquired as a state highway, they shall cause a copy of said petition, on which shall be their finding, to be given to the county commissioners of the county in which said road or any portion of it lies. It shall then become the duty of the county commissioners, at the expense of the county, to cause said road to be surveyed and laid out, and to set in place suitable monuments and to cause a detailed description by metes and bounds, plans and profiles to be made, on which shall be shown said monuments and established grades, and to give the same to said commission; but said county commissioners shall have the right to change the line of said road, provided the termini are substantially the same. Said county commissioners shall preserve said petition and a copy of the plans and profiles, with their records, for public inspection. When said commission shall be satisfied that the county commissioners have properly surveyed and laid out said road and set in place suitable monuments, and have furnished them with plans and profiles on which shall be shown said monuments and established grades, in accordance with the rules and regulations of said commission, they shall then proceed in the same manner as provided in section six of this act; and when said road is completed and approved by said commission it shall become a state highway, and thereafter be maintained by the Commonwealth under the supervision of said commission.

State highway,
proceedings
upon petition of
two or more
cities or towns.

SECTION 8. In all cases where a highway is to be constructed at the expense of the Commonwealth as a state highway, all the grading necessary to make said highway of the established grade, and the construction of culverts and bridges, shall be paid for by the county or counties, respectively, in which said highway or any portion of it lies, and the work must be done to the satisfaction of said commission. No action by a person claiming damage for the taking of land or change of grade, under the provisions of this act, shall be commenced against a county until said commission has taken possession for the purpose of constructing such state highway.

grading, con-
struction of
culverts,
bridges, etc., to
be paid for by
county.

SECTION 9. When appropriation has been made by the legislature for the construction of a state highway, said commission shall at once cause plans and specifications to be made and estimate the cost of the construction of such

action for
damages.

proceedings
when appro-
priation is made
for construc-
tion.

State highway,
proceedings
when appropri-
ation is made
for construc-
tion.

state highway, and give to each city and town in which said road lies, a certified copy of said plans and specifications, with a notice that said commission is ready for the construction of said road. Such city or town shall have the right, without advertisement, to contract with said commission for the construction of so much of such highway as lies within its limits, in accordance with the plans and specifications of the commission and under its supervision and subject to its approval, at a price agreed upon between said commission and said city or town; but such price agreed upon shall not exceed eighty-five per cent. of the original estimate of said commission. If such city or town shall within thirty days not elect to so contract, said commission may advertise in one or more papers published in the county where the road or portion of it is situated, and in one or more papers published in Boston, for bids for the construction of said highway in accordance with the plans and specifications furnished by said commission, and under their supervision and subject to their approval. Said commission shall have the right to reject any and all bids, and they shall require of the contractor a bond for at least ten thousand dollars for each mile of road, to indemnify such city or town in which such highway lies against damage while such road is being constructed, and the Commonwealth shall not be liable for any damage occasioned thereby. Said commission shall make and sign all contracts in the name of the Massachusetts highway commission.

maintenance.

SECTION 10. For the maintenance of state highways, said commission shall contract with the city or town in which such state highway lies, or a person, firm or corporation, for the keeping in repair and maintaining of such highway, in accordance with the rules and regulations of said commission, and subject to their supervision and approval, and such contracts may be made without previous advertisement.

contracts sub-
ject to approval
of governor and
council.

SECTION 11. All contracts made by or with the Massachusetts highway commission under the provisions of this act shall be subject to the approval of the governor and council.

rights of ad-
joining owner
or occupant, etc.

SECTION 12. No length of possession, or occupancy of land within the limit of any state highway, by an owner or occupier of adjoining land, shall create a right to such land in any adjoining owner or occupant or a person

claiming under him, and any fences, buildings, sheds or other obstructions encroaching upon such state highway shall, upon written notice by said commission, at once be removed by the owner or occupier of adjoining land, and if not so removed said commission may cause the same to be done and may remove the same upon the adjoining land of such owner or occupier.

SECTION 13. The Commonwealth shall be liable for injuries to persons or property occurring through a defect, or want of repair or of sufficient railing, in or upon a state highway.

State highway, liability for injuries to property or persons, etc.

SECTION 14. Cities and towns shall have police jurisdiction over all state highways, and they shall at once notify in writing the state commission or its employees of any defect or want of repair in such highways. No state highway shall be dug up for laying or placing pipes, sewers, posts, wires, railways or other purposes, and no tree shall be planted or removed or obstruction placed thereon, except by the written consent of the superintendent of streets or road commissioners of a city or town, approved by the highway commission, and then only in accordance with the rules and regulations of said commission; and in all cases the work shall be executed under the supervision and to the satisfaction of said commission, and the entire expense of replacing the highway in as good condition as before shall be paid by the parties to whom the consent was given or by whom the work was done; but a city or town shall have the right to dig up such state highway without such approval of the highway commission where immediate necessity demands it, but in all such cases such highway shall be at once replaced in as good condition as before, and at the expense of the city or town. Said commission shall give suitable names to the state highways, and they shall have the right to change the name of any road that shall have become a part of a state highway. They shall cause to be erected, at convenient points along state highways, suitable guide posts.

police jurisdiction, laying pipes, planting trees, etc.

names, guide posts, etc.

SECTION 15. The word "road", as used in this act includes every thoroughfare which the public has a right to use.

The word "road" defined.

SECTION 16. This act shall take effect upon its passage.

Approved June 10, 1893.

*Chap.*477 AN ACT RELATIVE TO THE LICENSING OF PLUMBERS AND THE
SUPERVISION OF THE BUSINESS OF PLUMBING.

Be it enacted, etc., as follows:

All plumbers to
be licensed.

SECTION 1. No person, firm or corporation not now engaged in or working at the business of plumbing shall hereafter engage in or work at said business in this Commonwealth, either as a master or employing plumber or as a journeyman plumber, unless such person, firm or corporation first receives a license therefor, in accordance with the provisions of this act.

Application and
examination of
applicant.

SECTION 2. Any person desiring to engage in or work at the business of plumbing, either as a master or employing plumber or as a journeyman plumber, shall apply to the board of health having jurisdiction in the locality where he intends to engage in or work at such business, except in cities or towns where the inspector of buildings has control of the regulations regarding plumbing, where such application shall be made to the inspector of buildings, and shall, at such time and place as may be designated by the board of examiners hereinafter provided for, to whom such application shall be referred, be examined as to his qualifications for such business. In the case of a firm or corporation, the examination and licensing of any one member of the firm or the manager of the corporation shall satisfy the requirements of this act.

One license for
firm or corpo-
ration.

Board of exam-
iners, appoint-
ment, compen-
sation, etc.

SECTION 3. There shall be in every city and each town of five thousand inhabitants or more, and in each town having a system of water supply or sewerage, a board of examiners of plumbers, consisting of the chairman of the board of health and, in cities or towns having an inspector of buildings, the inspector of buildings of said city or town, who shall be members ex officio of said board, and serve without compensation, and a third member, who shall be a practical plumber. Said third member shall be appointed by the board of health of said city or town within three months from the passage of this act, for the term of one year from the first day of May in the year of appointment, and thereafter annually before the first day of June, and shall be allowed a sum not exceeding five dollars for each day of actual service, to be paid from the treasury of such city or town: *provided*, that if in any city or town there is no inspector of buildings, said board

of health shall appoint a second member of said board of examiners, who shall be a practical plumber, and whose term of office and compensation shall be the same as is heretofore provided for said third member.

SECTION 4. Said board of examiners shall as soon as may be after the appointment of said third member, meet and organize by the selection of a chairman, and shall then designate the times and places for the examination of all applicants desiring to engage in or work at the business of plumbing within their respective jurisdictions. Said board shall examine said applicants as to their practical knowledge of plumbing, house drainage and plumbing ventilation, and if satisfied of the competency of the applicant, shall so certify to the board of health or inspector of buildings in their respective city or town. Said board or inspector shall thereupon issue a license to such applicant authorizing him to engage in or work at the business of plumbing, either as master or employing plumber, or as a journeyman plumber. The fee for a license for a master or employing plumber shall be two dollars; for a journeyman plumber, it shall be fifty cents. Said licenses shall be valid and have force throughout the Commonwealth, and shall be renewed annually upon payment of a fee of fifty cents. In case of removal beyond the jurisdiction of the board or inspector issuing the original license, it may be renewed by any board having like authority.

Organization;
examinations.

Issue and
renewal of
licenses; fees.

SECTION 5. The board of health or inspector of buildings of each city and town mentioned in section three of this act, shall, within three months from the passage of this act, appoint one or more inspectors of plumbing, who shall be practical plumbers, and who shall hold office until removed by said board or inspector for cause which must be shown. The compensation of such inspectors shall be determined by the board or inspector appointing them, and be paid from the treasury of their respective cities or towns. Said inspectors shall inspect all plumbing work for which permits are hereafter granted within their respective jurisdictions, in process of construction, alteration or repair; and shall report to said board or inspector all violations of any law, ordinance or by-law relating to plumbing work, and also perform such other appropriate duties as may be required.

Inspectors of
plumbing,
appointment,
compensation,
powers, duties,
etc.

Rules and regulations for plumbing.

SECTION 6. Each city and town of five thousand inhabitants or more in this Commonwealth, and every town having a system of water supply or sewerage, shall by ordinance or by-law, within six months from the passage of this act prescribe rules and regulations for the materials, construction, alteration and inspection of all pipes, tanks, faucets, valves and other fixtures by and through which waste water or sewage is used and carried, and provide that no such pipes, tanks, faucets, valves or other fixtures shall be placed in any building in such city or town except in accordance with plans which shall be approved by the board of health of such city or town, or such person or persons as said board of health may designate; and shall further provide that no plumbing work shall be done except in the case of repair of leaks, without a permit being first issued therefor upon such terms and conditions as such city and town shall prescribe. The provisions of this section shall not apply to the city of Boston or to any officer or board thereof.

Not to apply to Boston.

Penalty.

SECTION 7. Any person violating any provision of this act shall be deemed guilty of a misdemeanor, and be subject to a fine not exceeding fifty dollars for each and every violation thereof, and his license may be revoked by the examining board provided for in section three of this act.

Repeal.

SECTION 8. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved June 10, 1893.

Chap. 478 AN ACT RELATIVE TO THE CONSTRUCTION OF SUBWAYS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Board of subway commissioners, appointment, organization, compensation, etc.

SECTION 1. The mayor of the city of Boston shall appoint, subject to confirmation by the board of aldermen of said city, as in the case of other heads of departments of said city, three commissioners to constitute a board of said city, to be known as the board of subway commissioners. Said board shall choose one of its number to be chairman and a person not one of its number to be secretary; and said commissioners shall receive such compensation for their services, to be paid out of the proceeds of the loan hereinafter authorized, as the city council of said city shall by order determine.

SECTION 2. The said board is hereby authorized to lay out and construct a subway for street railway purposes sufficient to contain two or more parallel tracks, with suitable approaches, stations, exits and entrances. Said subway shall extend through Tremont street and lands adjacent thereto, excepting Boston Common, from a point or points at or near the junction of Tremont and Pleasant streets to Scollay square, and may continue through Court street or other streets and lands near Scollay square to a point or points where in the judgment of said board a suitable and advantageous exit to connect with surface tracks may be obtained.

Location and construction of subway.

SECTION 3. The said board is hereby authorized to select and take in the name and behalf of said city, by purchase or otherwise, such lands and rights of way, either upon or below the surface, as in the judgment of said board may be requisite for the widening of said subway or for suitable approaches thereto and extensions thereof to connect with surface tracks and for suitable stations, exits and entrances.

Taking of lands, etc.

SECTION 4. The said board shall, within thirty days after the taking of any land or rights of way, file in the registry of deeds for the county of Suffolk and cause to be recorded a description of the lands or rights of way so taken, as certain as is required in a common conveyance of land, with a statement of the purpose for which the same are taken; which description and statement shall be signed by said commissioners or a majority thereof, and the fee of the land or the rights of way so taken or purchased shall vest in the city of Boston. The city shall be liable to pay all damages that shall be sustained by any person or persons by reason of taking such lands or rights of way as aforesaid; such damages to be ascertained and determined in the manner provided for ascertaining and determining damages in case of the laying out, altering or discontinuing of ways in the city of Boston.

A description of lands, etc., taken to be recorded in registry of deeds, etc.

Damages.

SECTION 5. Said board may employ one or more competent engineers to make surveys, submit plans, advise said board and to superintend the construction of said subway. Said board may also employ a competent architect to assist said board and its engineers, and to prepare plans for the architectural features and detail of said subway, which shall be made architecturally and other-

Engineers and architect.

wise as attractive as may be within reasonable limits of expense.

Bonds, etc., not
exceeding
\$2,000,000.

SECTION 6. The city of Boston for the purpose of purchasing or taking land or rights of way for said subway, the widening or extension thereof, the approaches thereto, and for stations, exits and entrances, and for the purpose of enabling said board of commissioners to lay out and construct said subway, and to defray the expense thereof, may incur indebtedness and authorize the city treasurer of said city to issue from time to time as said board shall request, negotiable bonds or certificates of indebtedness to an amount not exceeding two millions of dollars outside of the limit of indebtedness fixed by law for said city. Such bonds shall be payable in not exceeding fifty years from their date, and shall bear interest, at a rate not exceeding four per cent. per annum, as the city council may determine. The said treasurer shall sell such bonds or certificates or any part thereof from time to time, and retain the proceeds thereof in the treasury of said city, and pay therefrom the expenses incurred by said board in carrying out the purposes of this act.

Running of cars
in and through
subway.

SECTION 7. On the completion of said subway, said board of commissioners shall have the right and power to compel the cars of any lines of street railway running in or through said city, to run in or through said subway at such rate of compensation, to be paid by the railway company or companies using the same, to said city, as shall be determined by the board of railroad commissioners to be just and reasonable.

Placing of pipes,
wires, etc., in
subway.

SECTION 8. The said board of subway commissioners shall have the power and authority to grant to any private corporation the right to place any pipes, wires or conduits in said subway, upon such terms and at such rates of compensation, to be paid to said city, as said board of subway commissioners shall deem to be just and reasonable.

Care of pipes,
etc., repaving,
etc.

SECTION 9. The said board of subway commissioners shall care for all the pipes and sewers along the line of said subway belonging to said city, and shall resurface and repave the streets over said subway, putting the same in as good condition as before; the expense attending the care of said pipes and sewers, resurfacing and repaving shall be paid out of the proceeds of said loan.

SECTION 10. Said commission shall report to the city council for its further disposition. Report.

SECTION 11. This act shall take effect upon its adoption by the city council of the city of Boston. To take effect upon adoption.

Approved June 10, 1893.

AN ACT RELATING TO THE SALARIES OF JUSTICES AND CLERKS OF CERTAIN MUNICIPAL, DISTRICT AND POLICE COURTS.

Chap. 479

Be it enacted, etc., as follows :

The justices and clerks of the following courts shall receive annual salaries, to be allowed from the first day of July in the year eighteen hundred and ninety-three, as follows : — The first assistant clerk of the municipal court of the city of Boston for criminal business, twenty-five hundred dollars. The clerk of the municipal court of the Roxbury district of the city of Boston, fifteen hundred dollars. The clerk of the municipal court of the Dorchester district of the city of Boston, one thousand dollars. The clerk of the municipal court of the West Roxbury district of the city of Boston, one thousand dollars. The justice of the police court of Lawrence, twenty-two hundred dollars. The clerk of the police court of Lawrence, fourteen hundred dollars. The justice of the police court of Lowell, twenty-seven hundred dollars. The clerk of the police court of Lowell, two thousand dollars. The clerk of the police court of Lynn, fourteen hundred dollars. The justice of the police court of Newton, fourteen hundred dollars. The clerk of the police court of Newton, nine hundred dollars. The clerk of the district court of Hampshire, thirteen hundred dollars. The clerk of the district court of western Hampden, six hundred dollars. The clerk of the district court of east Norfolk, one thousand dollars. The justice of the first district court of northern Worcester, fourteen hundred dollars. The clerk of the third district court of Bristol, thirteen hundred dollars. The justice of the first district court of eastern Middlesex, two thousand dollars. The clerk of the first district court of eastern Middlesex, thirteen hundred dollars. The justice of the fourth district court of eastern Middlesex, fourteen hundred dollars. The clerk of the fourth district court of eastern Middlesex, nine hundred dollars. The clerk of the district court

Salaries established.

of central Berkshire, one thousand dollars. The assistant clerk of the central district court of Worcester, twelve hundred dollars.

Approved June 10, 1893.

Chap. 480 AN ACT IN FURTHER ADDITION TO THE SEVERAL ACTS MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Be it enacted, etc., as follows :

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year and for certain other expenses authorized by law, to wit : —

Adjutant general. For such additional clerical assistance as the adjutant general may find necessary, and for compensation of employees at the state arsenal, a sum not exceeding five hundred dollars, as authorized by section thirteen of chapter three hundred and sixty-seven of the acts of the present year, being in addition to the fifty-five hundred dollars appropriated by chapter eight of the acts of the present year.

District police. Such necessary expenses as the members of the district police may properly incur in the discharge of their duties, other than for travelling expenses, shall be paid upon the approval of the chief of the district police from the appropriation for travelling expenses actually paid by members of the district police, as authorized by chapter nine of the acts of the present year.

Uniformity of legislation, etc. For expenses of the commissioners for the promotion of uniformity of legislation in the United States, the sum of two thousand one hundred and eighteen dollars and seventy-eight cents, as authorized by chapter three hundred and eleven of the acts of the present year.

Inspection of uninsured boilers. For the salary of an additional district police officer for temporary service in the inspection of uninsured boilers, a sum not exceeding eight hundred and seventy-five dollars; and for travelling and other necessary expenses of said officer, a sum not exceeding three hundred dollars, as authorized by chapter three hundred and eighty-seven of the acts of the present year.

Metropolitan park commission. For the expenses of the metropolitan park commission for the present year, as provided for in section eleven of

chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, a sum not exceeding ten thousand dollars, out of which may be paid compensation of the secretary, office rent and travelling and other necessary expenses of said commission.

To provide a system of electric lighting for the Massachusetts reformatory at Concord, a sum not exceeding twelve thousand dollars, as authorized by chapter ninety-three of the resolves of the present year.

Massachusetts reformatory.

For repairs and improvements at the Lyman school for boys, a sum not exceeding twenty-three thousand and five hundred dollars, as authorized by chapter ninety-four of the resolves of the present year.

Lyman school for boys.

For expenses in connection with the distribution of the report of the commission to improve the highways of the Commonwealth, a sum not exceeding five hundred dollars, as provided for in chapter ninety-five of the resolves of the present year.

Highway commission.

For providing for heavy artillery drill in the armories of the militia, a sum not exceeding twenty-five hundred dollars, as authorized by chapter ninety-seven of the resolves of the present year.

Heavy artillery drill.

For extra compensation to the doorkeepers, messengers and pages of the present general court, the sum of forty-two hundred and sixty-eight dollars, as authorized by chapter ninety-nine of the resolves of the present year.

Doorkeepers, messengers, etc.

For repairs and improvements at the state industrial school for girls at Lancaster, a sum not exceeding ten thousand and five hundred dollars, as authorized by chapter one hundred of the resolves of the present year.

State industrial school for girls.

For additional compensation for the sergeant-at-arms messenger, detailed for duty with the treasurer and receiver general, the sum of five hundred dollars, as authorized by chapter four hundred and nine of the acts of the present year.

Sergeant-at-arms messenger, etc.

For the purchase of histories of regiments, batteries or other military organizations of Massachusetts volunteers, who served in the late war, as provided for in chapter four hundred and thirteen of the acts of the present year, a sum not exceeding three thousand dollars.

Histories of Massachusetts volunteers.

For salaries and expenses in the department of outdoor poor, a sum not exceeding five hundred dollars, the same to be in addition to any amounts heretofore appropriated.

Outdoor poor.

For expenses of committees of the present legislature,

Legislative committees.

to include compensation and expenses of such committees as are authorized by the general court to sit during the recess, a sum not exceeding ten thousand dollars, the same to be in addition to any amounts heretofore appropriated.

Secretary of the Commonwealth.

For incidental and contingent expenses in the department of the secretary of the Commonwealth, a sum not exceeding two hundred dollars, the same to be in addition to any amount heretofore appropriated.

Treasurer and receiver general.

For clerical assistance in the office of the treasurer and receiver general, a sum not exceeding one thousand dollars, as authorized by chapter four hundred and thirty-two of the acts of the present year.

New state prison.

For expenses in connection with the building of a new state prison, a sum not exceeding seventy-five hundred dollars, as authorized by chapter four hundred and forty-one of the acts of the present year.

Bureau of statistics of labor.

For the examination and preparation for sale of certain useless schedules and papers in the possession of the bureau of statistics of labor, a sum not exceeding five hundred dollars, as authorized by chapter one hundred and one of the resolves of the present year.

Manual training, etc.

For printing the report of the commission appointed to investigate the existing systems of manual training and industrial education, a sum not exceeding twenty-seven hundred dollars, as authorized by chapter one hundred and two of the resolves of the present year.

State prison.

For finishing the extension of the north wing of the state prison, a sum not exceeding thirteen thousand and five hundred dollars, as authorized by chapter one hundred and four of the resolves of the present year.

Sumner D. Seavey.

For Sumner D. Seavey, the sum of three thousand dollars, as authorized by chapter one hundred and six of the resolves of the present year.

Massachusetts agricultural college.

For certain repairs and improvements at the Massachusetts agricultural college at Amherst, a sum not exceeding fifteen thousand dollars, as authorized by chapter one hundred and seven of the resolves of the present year.

District police, inspector's department.

For the codification of certain statutes which the inspection department of the district police is required to enforce, as provided for in chapter one hundred and eight of the resolves of the present year, a sum not exceeding one thousand dollars.

For a suitable and appropriate gift to the battleship Massachusetts, a sum not exceeding one thousand dollars, as authorized by chapter one hundred and nine of the resolves of the present year.

Battleship
Massachusetts.

For the widow of Robert I. Burbank, the sum of sixteen hundred and thirty-six dollars, as authorized by chapter one hundred and ten of the resolves of the present year.

Widow of
Robert I. Bur-
bank.

For salaries at the state prison at Boston, a sum not exceeding thirty-five hundred dollars, as authorized by chapters four hundred and fifty-five and four hundred and fifty-six of the acts of the present year, the same to be in addition to any amounts heretofore appropriated.

State prison.

For such expenses as may be necessary to carry out the provisions of the act relative to procuring a water supply for the city of Boston and its suburbs, as provided for in chapter four hundred and fifty-nine of the acts of the present year, a sum not exceeding fifteen thousand dollars.

Water supply
for Boston, etc.

For the salaries of judges of probate and insolvency courts, a sum not exceeding four thousand dollars; for the salaries of registers of probate and insolvency courts, a sum not exceeding five thousand dollars, and for the salaries of assistant registers of probate and insolvency courts, a sum not exceeding one hundred dollars, as authorized by chapter four hundred and sixty-nine of the acts of the present year, the same to be in addition to any amount heretofore appropriated.

Courts of probate and insolvency.

For such expenses as may be necessary to provide for the care and supervision of the province lands in the town of Provincetown, as authorized by chapter four hundred and seventy of the acts of the present year, a sum not exceeding two thousand dollars.

Province lands.

To carry out the provisions of the act relative to complaints against registered pharmacists, a sum not exceeding two thousand dollars, as authorized by chapter four hundred and seventy-two of the acts of the present year.

Registered
pharmacists.

For expenses in connection with the improvement of the Charles river, a sum not exceeding five thousand dollars, as authorized by chapter four hundred and seventy-five of the acts of the present year.

Improvement of
Charles river.

For salaries and expenses of the commission to improve the highways of the Commonwealth, a sum not exceeding

Highway com-
mission.

six thousand dollars, as authorized by chapter four hundred and seventy-six of the acts of the present year.

SECTION 2. This act shall take effect upon its passage.

Approved June 10, 1893.

Chap. 481 AN ACT TO PROVIDE FOR RAPID TRANSIT IN BOSTON AND VICINITY.

Be it enacted, etc., as follows:

Metropolitan
Transit Com-
mission, ap-
pointment,
removal, com-
pensation, etc.

SECTION 1. The governor, by and with the advice and consent of the council, shall appoint three commissioners to hold office for the term of four years, and to constitute a board to be known as the Metropolitan Transit Commission, and two of said commissioners shall be residents of the city of Boston. Any such commissioner may at any time be removed by the governor for such cause as he shall in writing assign, and all vacancies caused by resignation, death or otherwise shall be filled by the governor, with the advice and consent of the council. Each of said commissioners shall, while holding office under this act, receive a salary of six thousand dollars per annum.

organization,
officers, ex-
penses, etc.

SECTION 2. The commissioners appointed as aforesaid shall as soon as may be after their appointment meet and organize, with the choice of one of their number as chairman, and of a secretary, not one of their number; and said commission may thereafter from time to time appoint such engineers, clerks, agents, officers and assistants, not of their number, as it may deem necessary; may determine the duties and compensation of said secretary and other employees, and remove the same at pleasure. Said commission shall be furnished by the sergeant-at-arms with suitable room in the state house, or elsewhere, in which its plans, maps and documents and its records shall be kept; and all reasonable expenses of said commission, including salaries as aforesaid, and expenses for clerical, engineering, legal and other assistance, shall be paid by the city of Boston, except rent for rooms in the state house and such expenses as said commission shall incur for the benefit of any other city or town; and such expenses shall be paid by the city or town for which the same shall have been incurred.

general
powers and
duties.

SECTION 3. Said commission, for the purpose of providing safe, convenient and expeditious transportation and passage of persons to, in and through the cities of Boston, Everett, Chelsea, Malden, Somerville, Cambridge,

Waltham, Newton, Medford and Quincy, and the towns of Winthrop, Revere, Melrose, Stoneham, Winchester, Arlington, Belmont, Watertown, Brookline, Dedham, Hyde Park and Milton, shall investigate and determine what the necessities, conveniences and interests of the inhabitants of said cities and towns require in the matter of said transportation and passage, may give public hearings, visit other cities, and take such steps as it deems advisable in the premises; and shall exercise the powers and perform the duties hereinafter specified.

SECTION 4. Said commission shall, immediately upon its organization, take by purchase or otherwise a strip of land from Causeway street to Franklin park, at or near Columbia street, in the city of Boston. Said strip of land shall be taken in and along or across public ways, or through private property, and shall not be less than twenty-five feet nor more than eighty feet in width from Causeway street to Court square, and for the remainder of the route shall be not less than twenty-five nor more than thirty-five feet in width. Said strip of land from Court square to a point at or near the junction of Shawmut avenue and Tremont street shall be taken between Tremont and Washington streets; thence to Dudley street, at or near Guild row in that part of Boston called Roxbury, shall be taken between Tremont street and Shawmut avenue; thence to Columbia street shall be taken on such route between Warren street and Blue Hill avenue as said commission shall determine, but not on Boston Common. Said strip of land may be used for a highway, for subways and for elevated railroads, as said commission shall determine.

Taking of strip of land, etc.

SECTION 5. Said commission shall also construct a bridge over Charles river in place of the present Charles river bridge, having regard to its probable use for an elevated railroad, or may change the location of said bridge, or any part thereof, and the approaches thereto, as it may determine; may reconstruct said bridge with a width not exceeding one hundred feet, or may construct a new bridge not exceeding eighty feet in width with a draw not less than forty feet wide in the opening; may make approaches to said bridge not exceeding one hundred feet in width; and may discontinue the present Charles river bridge and the approaches thereto; and upon such discontinuance all the right, title and interest of the Com-

Construction of bridge over Charles river.

monwealth in and to the present Charles river bridge, the approaches thereto, and the materials of which it is composed, shall become the property of the city of Boston: *provided, however*, that in the exercise of the powers granted by this section, the said commission and said city of Boston shall be subject to the provisions of chapter nineteen of the Public Statutes, and of all acts in addition or amendment thereto, except that said city shall not be required to pay any compensation for displacement of tide water.

Taking of real estate, rights, etc.

SECTION 6. Said commission, for the purposes of the two preceding sections, and for the purpose of a central station and for stations and terminals, may take for the city of Boston, by purchase or otherwise, the right to go through or under buildings or parts of buildings, and may take in fee for said city, by purchase or otherwise, any real estate it deems necessary, whether the same is in and forming a part of any public way or is private property. The damages sustained by any person whose property is so taken shall be paid by said city, and if any such person cannot agree with said commission as to the damages sustained by any such taking, said damages may be determined by a jury in the superior court for the county of Suffolk, in the manner and subject to the rules of law provided for determining the damages for taking land in laying out a steam railroad, on petition of said commission or of said person therefor, filed in the clerk's office of said court within one year after such taking, and judgment shall be entered on said determination and costs taxed and execution issued against the city as in civil cases.

Damages.

Subway, surface tracks, etc.

SECTION 7. Said commission shall, as soon as it has laid out the way aforesaid, determine whether any subway for street railway tracks and cars shall be built therein, or in any part of Tremont street or Boylston street, and may, on such terms and conditions as it may determine, authorize the West End Street Railway Company to make any such subway, and to lay its tracks and run its cars therein, but no surface street railway tracks shall be laid along the strip of land aforesaid; nor any more surface tracks on Boylston street between Charles and Tremont streets than are now located and laid therein.

Advertisement for bids for right to construct, etc., elevated railroad, etc.

SECTION 8. Said commission shall also, as soon as it has taken the strip of land described in section four of this act, give public notice, by advertisement for three weeks

successively in at least two daily newspapers published in said city, and in such other manner, if any, as said board may deem necessary, that bids for the right to construct and operate an elevated railroad over said strip of land for a term not exceeding fifty years, as specified in the notice, will be received by said commission until a certain day and hour named in said notice, from any person agreeing that a corporation shall be organized, and execute a contract as hereinafter provided, and from any street railway corporation operating a street railway in either of the towns or cities mentioned in section three of this act, agreeing that it will execute or construct as hereinafter provided, and that said right will be awarded to such bidder offering to pay for said right to the city of Boston the largest sum in gross, or the largest annual payment or share of its receipts during the term aforesaid, commencing with the day of the completion of said elevated road over the route aforesaid, and agreeing that the corporation so organized, or such railway corporation, shall enter into the contract hereinafter described. Said commission may, whether it reserves the right so to do or not, refuse to accept any bid, and may again advertise for bids, on the same or other terms, and continue such action until a bid shall be accepted and the said right awarded; or if no bid is accepted, said commission may, if the city council of said city shall so authorize, construct said elevated railroad, and said city shall thereafter operate the same. Said contract to be entered into as aforesaid shall provide that work on said railroad shall be commenced within three months after the date of the contract; that said railroad shall be completed, equipped and in operation within such period as said commission shall have specified in said notice; that the period for commencing work on said railroad, and the period for completing, equipping and commencing to operate said road may be extended at the discretion of said commission; that cars shall be run and accommodations furnished thereon as shall be required by the board of railroad commissioners; that not more than five cents shall be charged for one continuous passage over any part or the whole of its route, its extensions and branches in the same direction, nor more than eight cents for such a passage, and a transfer to and passage over a connecting route in the same or branch direction; that said railroad, its branches and extensions, lands,

Commission may refuse to accept bids, and may construct and city may operate railroad.

Contract for construction, operation, etc., of railroad.

structures, rails and other property connected with the realty and situated in said city of Boston, shall become the property of the city of Boston at the end of said term; that said corporation will comply with the terms of this act and of said contract, and shall contain such other terms and conditions as said commission shall determine and specify at the time of giving said notice.

Cash deposit to be made by bidder, return, pledge, etc.

SECTION 9. Any person or corporation aforesaid desiring to bid for the right to construct and operate said railroad must, before making the bid, deposit with the treasurer of the city of Boston the sum of three hundred thousand dollars in cash or in securities approved by said treasurer. The deposit made by any person or corporation, to whom the right of constructing and operating said railroad is not awarded, shall within three days after such award be returned to the person or corporation making the deposit. The deposit made by the bidder, if any, to whom the right of constructing and operating said railroad is awarded shall be held by said treasurer as a pledge for his or its complying with the terms of said bid, and with the terms of this act, and of said contract. If the terms of said bid are not complied with, or if the contract aforesaid is not signed as hereinbefore provided, or if the terms and conditions of said contract are not complied with, said deposit shall be forfeited and become the property of said city. If the terms of said bid are complied with, and said contract is signed, and the terms and conditions of said contract are complied with, said deposit shall, after the completion of the construction and equipment of said railroad, be returned to the person or corporation making the deposit, or to his or its assigns.

Award of contract; incorporation of Metropolitan Elevated Railroad Company, etc.

SECTION 10. Said commission may award, in accordance with said notice, the right to construct and operate said elevated railroad for the period of time and on the terms and conditions specified in said contract and this act, and the person to whom said right is awarded, if other than a street railway corporation aforesaid, shall forthwith file with the secretary of the Commonwealth articles of association, signed by at least fifteen persons, for the purpose of forming a corporation under the name of the Metropolitan Elevated Railroad Company, with a capital stock not exceeding four millions of dollars; said articles shall be made to conform to the requirements of law for articles for forming a steam railroad corporation,

and the secretary of the Commonwealth shall thereupon make a record of the same and issue a certificate of incorporation substantially as provided in the case of steam railroad corporations organized under general law, and on the issuing of said certificate, said persons, their associates and successors, shall become a corporation under said name. When said elevated railroad company is organized, it shall succeed to all the rights, powers, privileges, duties and liabilities of the person to whom the right to construct and operate said railway was awarded, and if it, or any street railway to whom the right shall be awarded, fails to sign said contract, or after signing said contract fails to comply with the terms of said contract or of this act, such failure shall cause a forfeiture to said city of the right so awarded, and the deposit made as aforesaid, and said railroad, its branches and extensions, lands, structures, rails and other property connected with the realty acquired by said elevated railroad company, or by said street railway company, for the purpose of carrying out said contract in said city, shall become and be the property of the city of Boston, and the said corporation, if organized as herein provided, shall be dissolved: *provided*, that said commission may grant an extension of time for commencing and for completing the said road, as above provided. Upon the forfeiture of any such right awarded, said commission shall proceed in the manner provided for making the first award to make another similar award, and all the provisions of this act relating to such first award, and the proceedings thereunder, shall apply to the making of any second and any subsequent award in case of forfeiture, and the proceedings thereunder.

Rights, powers, etc., of corporation; forfeiture, dissolution, etc.

Proceedings upon forfeiture of right, etc.

SECTION 11. The corporation possessing the right aforesaid shall, after said commission has acquired the strip of land described in section four of this act, proceed to construct, equip and operate said elevated railroad over the same in accordance with the contract aforesaid and the approval of said commission, and if said corporation is a street railway corporation, it shall extend said railroad along and across and over Causeway street, and any existing or any new bridge to Charlestown, so-called, and along and across and over such public streets in said Charlestown as said commission shall designate, and any public way so designated shall be widened and constructed by, and as determined by, said commission. After the con-

Location, construction, operation, etc., of railroad.

Extensions and branches.	<p>struction of said elevated railroad over the route aforesaid, said corporation may, with the approval of said commission during its term aforesaid, and thereafter, with the approval of the mayor and aldermen of the city of Boston and the mayor and aldermen of the city, or the selectmen of the town, to which such corporation proposes to construct any extension or branch of said elevated railroad, construct any such branch or extension along or across and over any public way and through any private property in the city of Boston and in the city or town to which such extension is to run, except in or over Boston Common. The corporation operating said railroad shall, after the first day of January in the year eighteen hundred and ninety-eight, construct such extensions and branches of said elevated railroad as the board of railroad commissioners, after due notice to all parties interested, and a hearing in the matter, shall from time to time recommend: <i>provided</i>, that the net income of said corporation from all sources shall not, by the carrying out of any such recommendation, be reduced below eight per cent., as determined by said board.</p>
Proviso.	
Taking of land, etc., by corporation.	<p>SECTION 12. Said corporation may, for said elevated railroad, its branches and extensions, and for terminals, stations and other railroad purposes, take by purchase or otherwise lands in fee or rights in lands, and with the approval of the mayor and aldermen of a city, or the selectmen of a town, in which a public way is situated, may for the building of its elevated railroad therein take under the right of eminent domain, in fee, a strip of land in, and making a part of, any public way, but such strip of land shall be subject to such uses as a highway, not interfering with the use for the elevated railroad, as said mayor and aldermen, or selectmen, may from time to time order. To make any taking by right of eminent domain, said corporation shall cause to be recorded in the registry of deeds for the county and district in which such lands or rights are situated a description thereof as certain as is required in a common conveyance of land, with a statement that the same are taken by said corporation under the authority of this act, and the lands and rights described in said description shall upon such recording be taken for and the fee thereof shall vest in said corporation. The damages sustained by any person whose property is so taken shall be paid by said corporation, and if any</p>
A description of land, etc., taken to be recorded in registry of deeds, etc.	
Damages.	

such person cannot agree with said corporation as to such damages, the same may, on the petition of said person or corporation, be determined by a jury in the superior court for the county in which such land or rights are situated, in the manner and subject to the provision of this section and of section six of this act, and upon the filing of any such petition, the board of railroad commissioners shall, if requested by the person whose land is taken, require the corporation to give security to the satisfaction of said board for the payment of all damages and costs which may be awarded by a jury for the property taken; and if upon petition of said owner and notice to the adverse party the security appears to said board to have become insufficient, it shall require the corporation to give further security to the satisfaction of the board; and all the right or authority of said corporation to enter upon or use the land or other property, except for making surveys, shall be suspended until it gives the security required.

SECTION 13. Said corporation may make contracts with any person or corporation authorized to produce or manufacture electricity for any purpose, for supplying electricity for the motive power of said elevated railroad and other uses, and such person or corporation is hereby authorized to enter into contracts for said purpose.

Contracts for
supplying elec-
tricity.

SECTION 14. Said corporation, for the purpose of procuring and constructing its elevated railroad, branches, extensions, terminals and other structures, and for procuring rails, engines, cars and other equipment for its railroad, may issue, to an amount not exceeding the amount of its capital stock actually paid in, bonds payable in not more than thirty years from the date of issue, and bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually. Said corporation may secure said bonds by mortgage on its franchise and property, and may include therein property to be thereafter acquired, and may reserve the right to sell or dispose of any personal property covered by said mortgage which may become worn or otherwise unfit for use, provided an equivalent in value is substituted therefor; but such mortgage shall give to the mortgagee, in case of a default therein, only the power to construct, maintain, equip and operate said elevated railroad according to the terms of the original contract, and to keep and use for said purposes all property acquired by the mortgagor and specified

Mortgage bonds.

Forfeiture of
right, etc.

in the mortgage, and the right to assign said power and property to others, but to be exercised and used only for the purpose of constructing, maintaining, equipping and operating said railroad, its branches and extensions, as aforesaid; and if such mortgagee, or his assigns, does not carry out the terms of said contract and of this act, his and their right to the franchise and property shall be forfeited, and said railroad, its branches and extensions, structures, rails and other property connected with the realty acquired by the mortgagee, mortgagor or his assigns for the purpose of carrying out said contract, shall be forfeited to and become the property of said city.

Temporary re-
moval of certain
tracks, etc.

SECTION 15. Said commission may order the temporary removal of any surface tracks in the way through or over which said elevated railroad, its branches and extensions, are to be built, or the relocation of such tracks, also the removal or relocation of any wires, poles or electrical apparatus of any street railway company, or of any other person or corporation, which it deems to interfere with the construction of any of said ways, or the construction or operation of said elevated railroad, its branches or extensions, and the person or corporation owning said tracks, wires or other property shall comply with said orders. Any expenses incurred in carrying out said orders shall be apportioned by the board of railroad commissioners between said corporation operating said elevated railroad and the person or corporation operating said tracks, or owning said wires or other property. Any person or corporation using or authorized by law to use wires along the route of said elevated railroad may affix them to the elevated structures in such manner as said commission may approve.

Affixing of
wires to ele-
vated structure.

Certain pro-
visions of law to
apply to corpo-
ration operating
railroad.

SECTION 16. Sections ninety-one to ninety-three, inclusive, sections one hundred and six to one hundred and twelve, inclusive, sections one hundred and forty-three to one hundred and forty-seven, inclusive, sections one hundred and seventy to one hundred and seventy-nine, inclusive, sections one hundred and ninety-five to one hundred and ninety-seven, inclusive, and sections two hundred and one to two hundred and eight, inclusive, of chapter one hundred and twelve of the Public Statutes and sections nine to nineteen, inclusive, sections thirty-seven, forty-three and forty-seven, sections fifty-six to sixty-three, inclusive, of chapter one hundred and thirteen of

the Public Statutes, amended to conform to the provisions of this act, shall apply to the corporation operating said elevated railroad, and the shares of any increase of its capital stock made for carrying out any of the provisions of this act shall be disposed of in the manner provided by law, for disposing of the shares of the increase of capital stock of street railway companies.

SECTION 17. Said commission shall also investigate and determine the best method of providing other lines of elevated railroad between or in the cities and towns aforesaid, either as branch lines of the line hereinbefore described, or as separate lines, and shall especially consider a route to Cambridge, a route to Milton, a route to Mattapan, a route through Charlestown to Medford, also of a branch line from a point at or near Alford street in Charlestown to Everett square and Malden, also from some point at or near Charlestown square to Chelsea, also a branch line from some point at or near the junction of Shawmut avenue and Tremont street to the Marine park, South Boston, and shall determine the routes therefor, and shall report thereon fully to the legislature meeting next after said determination. Said commission shall also investigate and determine whether the purpose of this act requires that new methods or facilities for transit or transportation shall be provided in the city of Boston by means of tunnels, depressed ways, subways, viaducts, arcades, elevated sidewalks, or the widening of sidewalks or streets within the congested district, so-called, of said city of Boston, or by any other means, and if said board shall be of the opinion that any such new methods or facilities are necessary or advisable, it shall make plans and descriptions of the same, and prepare detailed and careful estimates of the probable cost of such new methods and facilities, and shall thereupon publish a notice of such plans and estimates, and give one or more public hearings thereon, and after such public hearing shall reëxamine and reconsider their plans and estimates with reference to any objections or suggestions which may have been made thereto, and report thereon fully to the legislature meeting next after it has reëxamined and reconsidered said plans.

Other lines of elevated railroad to be provided for.

Methods of transit in congested district in Boston.

SECTION 18. The board of street commissioners of the city of Boston shall, after the way for an elevated

Proceedings of street commissioners of

Boston after
construction of
way, etc.

railroad from Causeway street to Franklin park shall have been constructed, determine the cost of the same, including in the cost of said way the expenses as certified to them by the auditor of said city of taking land, and of all other doings in laying out, locating anew, altering, widening and constructing the way, together with the expenses for any sewers and connections laid therein, and the laying thereof, and of all other work and materials furnished by or for the city in completing the way, except the expenses for gas pipes, water pipes, their connections and the laying thereof, and of the sewers and connections and the laying thereof in excess of four dollars for each and every lineal foot of sewer; and shall assess a proportional share of said cost upon the real estate, whether a part thereof is taken for such way, or whether situated on said way, or otherwise, which said board shall adjudge receives any benefit and advantage therefrom beyond the general advantages to all real estate in said city, to the extent of the total amount of such adjudged benefit and advantage, and the portion of said cost not so paid shall be borne by the city of Boston; and except as otherwise specified herein, sections two, three, five, six and eight of chapter fifty-one of the Public Statutes shall apply to assessments under this act. The members of said board of street commissioners shall, until otherwise provided by an ordinance of said city, receive a salary, the chairman of five thousand dollars, and each of the other members of four thousand five hundred dollars a year, in lieu of their present salaries.

Salaries estab-
lished.

Officer or board
may enter upon
land, make sur-
veys, etc.,
damages.

SECTION 19. Any officer or board acting under authority of this act in carrying out the purposes of this act may enter into and upon any lands, and make surveys and examinations, and place and maintain marks therein, and may do all other acts thereon incidental to such surveys, examinations, and placing and maintaining marks; and if any person injured in his property thereby fails to agree with such officer or board as to the amount of his damages sustained thereby, said damages may be determined by a jury of the superior court of the county in which such lands are situated, in the manner and subject to the rules of law provided for determining damages for lands taken for highways in such city or town, on petition therefor by said officers or board or by said person, filed in the clerk's

office of said court within one year after the injury aforesaid has been sustained.

SECTION 20. The treasurer of the city of Boston shall from time to time, on the request of said commission, approved by the mayor of said city, issue and sell at public or private sale, bonds, registered or with interest coupons attached, in the name and behalf of said city, to an amount not exceeding nine millions of dollars. Said bonds shall be designated on their face as the Rapid Transit Loan, shall be for a term not exceeding forty years, and at rates of interest not exceeding four per cent. per annum, as said treasurer shall determine, payable semi-annually on the first days of April and October in each year. Any premium received from the sale of said bonds shall be applied to the interest on said loan as it becomes due. The debt incurred under the provisions of this section shall not be included in determining the limit of indebtedness of said city.

Rapid Transit
Loan.

Not included in
debt limit.

SECTION 21. The proceeds from the sale of said bonds, less the premiums aforesaid, and all amounts received for assessments under section eighteen of this act, and such other amounts as said city shall from time to time appropriate for the purposes of this act, shall be expended for said purposes, and for all engineering, surveying, legal and other assistance employed by said commission, board or city engineer thereto, as approved by said commission, and the bills or drafts for said expenses shall, after being approved by said commission and audited by the city auditor of said city, be paid by the treasurer of said city.

Expenditures.

SECTION 22. The West End Street Railway Company and every company operating an elevated railroad in the city of Boston shall, on or before the first day of June in every year, bring in to the assessors of each city and town in which any of its real estate, wires, poles, cars, equipment, machinery, rails, sleepers or other property, except money, is situated, a statement of the value of such property situated in such city or town, whether such property is owned by it or by a company whose railroad or railway is operated by it, and shall pay a tax on all such property to the city or town in which such property is situated; and all cars, horses, engines and other property used in more than one city or town shall be deemed to be situated in the city or town in which such property is generally and mostly used, as determined by the commissioner of

Taxes upon
property of com-
pany operating
elevated rail-
road.

corporations, on application therefor by a city or town interested, and after notice and hearing.

Franchise tax.

SECTION 23. Every such company shall also pay a franchise tax upon its corporate franchise, and upon the corporate franchise of every such company whose railroad or railway is operated by it, at a valuation thereof ascertained and determined as provided in section forty of chapter thirteen of the Public Statutes, deducting therefrom an amount equal to the value of its property, subject to the local taxation hereinbefore provided for, and at a rate determined as provided in said section forty; and the treasurer and receiver general shall pay over said franchise tax to the city of Boston. The provisions of section forty-one of chapter thirteen of the Public Statutes, and of any act in amendment thereto, shall apply to the determination of the value of the aforesaid real estate and personal property for the purpose of ascertaining the value of the corporate franchise aforesaid.

Sinking fund.

SECTION 24. The board of commissioners of sinking funds of the city of Boston shall establish a sinking fund, and the following moneys shall be paid into said sinking fund: (1) All rentals or sums received from the corporation operating any elevated railroad or any street railway in said city; (2) all moneys or securities deposited with the treasurer of said city under the provisions of this act, and forfeited to said city; (3) the taxes specified in this act upon the corporate franchises and upon the property of elevated railroad corporations operating an elevated railroad in the city of Boston and of street railway corporations operating a street railway in the city of Boston.

Accounts and report of commission.

SECTION 25. Said commission shall at all times keep accurate accounts of all expenditures made under this act, and shall make an annual report of its doings, containing an abstract of said accounts, to the general court and to the city of Boston. Said report shall be filed with the secretary of the Commonwealth and the city clerk on or before the first day of January, annually.

Jurisdiction of courts, etc.

SECTION 26. The supreme judicial court and any justice thereof, and the superior court and any justice thereof, shall have jurisdiction in equity to compel compliance with the provisions of this act, and to enforce the orders of any officer made under the authority of this act, and to prevent violations of any of the provisions hereof.

SECTION 27. This act shall not be operative until it has been approved by a majority of the voters of said city, voting at a state or municipal election or at a special election called, on at least fourteen days' notice, by the mayor of said city and to be held during the month of October in the year eighteen hundred and ninety-three.

Subject to approval by a majority vote.

SECTION 28. This act shall take effect upon its passage.

Approved June 10, 1893.

RESOLVES.

- Chap.* 1 RESOLVE CONCERNING THE FUNERAL OF THE LATE BENJAMIN F. BUTLER, EX-GOVERNOR OF THE COMMONWEALTH.

Funeral of
Benjamin F.
Butler.

Resolved, That a joint special committee to consist of the president and seven members of the senate and the speaker and nineteen members of the house of representatives, and the representatives from the city of Lowell, be appointed to attend the funeral of ex-governor Benjamin F. Butler; that his excellency the governor be requested to order a suitable military escort for the funeral; and that for the purposes of said military escort there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding four thousand dollars.

Approved January 13, 1893.

- Chap.* 2 RESOLVE AUTHORIZING THE PUBLICATION OF A BULLETIN OF COMMITTEE HEARINGS.

Bulletin of com-
mittee hearings.

Resolved, That the committee on rules be authorized to publish, twice a week or oftener, a bulletin of the matters assigned for hearing before committees, and be authorized to employ clerical assistance at an expense not to exceed five hundred dollars for preparing the same, and to have it printed by the state printers.

Approved January 16, 1893.

- Chap.* 3 RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF REVENUE.

Treasurer may
borrow money
in anticipation
of revenue.

Resolved, That the treasurer and receiver general be and he is hereby authorized to borrow, in anticipation of the receipts of the present year, such sums of money as may from time to time be necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next general court, at such rates of interest as shall be found necessary; and that he repay any sums he may borrow under this resolve as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury.

Approved February 8, 1893.

RESOLVE IN FAVOR OF THE WIDOW OF HENRY B. WOOD.

Chap. 4

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the widow of Henry B. Wood for thirty-four years a clerk in the office of the secretary of the Commonwealth, the sum of eleven hundred and twenty-two dollars and fifty-eight cents, being the amount of salary which the said Henry B. Wood would have been entitled to receive had he lived and performed service as such clerk until the thirty-first day of December in the year eighteen hundred and ninety-three.

Widow of
Henry B. Wood.*Approved February 10, 1893.*

RESOLVE IN FAVOR OF ANNIE FITZGERALD OF NORTH ADAMS.

Chap. 5

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, from the first day of January in the year eighteen hundred and ninety-three, to Annie Fitzgerald of North Adams, an annuity of one hundred dollars for the term of five years, in equal quarterly payments, to be used by her in supporting James Haggerty, the minor son of the late Patrick Haggerty who was killed in the Hoosac Tunnel on the eleventh day of January in the year eighteen hundred and eighty-five, while in the employ of the Commonwealth. If the said James Haggerty should die before the expiration of the time provided in this resolve said annuity shall cease.

Annie Fitz-
gerald.*Approved February 16, 1893.*

RESOLVE PROVIDING FOR THE PRINTING OF FIFTEEN HUNDRED EXTRA COPIES OF THE FIRST REPORT OF THE COMMISSIONER OF PUBLIC RECORDS.

Chap. 6

Resolved, That fifteen hundred extra copies of the first report of the commissioner of public records be printed, fifty copies to be in cloth, to be distributed under the direction of said commissioner.

Report of com-
missioner of
public records.*Approved February 16, 1893.*

RESOLVE PROVIDING FOR PRINTING EXTRA COPIES OF THE REPORT OF THE COMMISSIONERS ON THE TOPOGRAPHICAL SURVEY OF MASSACHUSETTS.

Chap. 7

Resolved, That there be printed five hundred additional copies of the report of the commissioners on the topographical survey of Massachusetts, for the use of said commissioners.

Report of com-
missioners on
topographical
survey of Massa-
chusetts.*Approved February 16, 1893.*

Chap. 8 RESOLVE IN FAVOR OF THE TRUSTEES OF THE SOLDIERS' HOME IN MASSACHUSETTS.

Trustees of
soldiers' home
in Massa-
chusetts.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the soldiers' home in Massachusetts, the sum of thirty thousand dollars, the same to be used towards the maintenance of a home for deserving soldiers and sailors.

Approved February 21, 1893.

Chap. 9 RESOLVE IN FAVOR OF THE WIDOW OF THE LATE WILLIAM S. STODDARD.

Widow of
William S.
Stoddard.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the widow of the late William S. Stoddard who for more than fifty years was in the employ of the Commonwealth, and who died on the seventeenth day of August in the year eighteen hundred and ninety-two, the sum of four hundred and eight dollars and six cents, being the amount of salary he would have been entitled to receive had he lived to perform such service until the thirty-first day of December in the year eighteen hundred and ninety-two.

Approved February 21, 1893.

Chap. 10 RESOLVE IN FAVOR OF CHARLES A. RUGGLES.

Charles A.
Ruggles.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Charles A. Ruggles of Boston, administrator of the estate of Etta J. Ruggles, the sum of two hundred and fifty dollars, in full payment for all expenses incurred on account of the last sickness and burial of said Etta J. Ruggles, an employee of the Commonwealth; such sickness having been contracted while in the service of the Commonwealth, in November in the year eighteen hundred and ninety-two.

Approved February 21, 1893.

Chap. 11 RESOLVE IN RELATION TO THE TOPOGRAPHICAL SURVEY AND MAP OF MASSACHUSETTS.

Topographical
survey and map
of Massa-
chusetts.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fourteen thousand dollars, to be expended for the following purposes, to wit: For continuing the determination by triangulation of the boundary lines of the cities and towns of this Commonwealth, and marking said boundary

lines, a sum not exceeding ninety-five hundred dollars; for supplementing and correcting topographical maps and levelling, a sum not exceeding two thousand dollars; for selling and distributing topographical maps, a sum not exceeding fifteen hundred dollars, and for the purchase of three field instruments, a sum not exceeding one thousand dollars.

Approved February 21, 1893.

RESOLVE FOR COMPLETING THE PREPARATION AND PUBLICATION
OF THE PROVINCE LAWS.

Chap. 12

Resolved, That the governor with the consent of the council is authorized to appoint, for a term not exceeding three years from the first day of February in the present year, three suitable persons, learned in the law and history of Massachusetts, to complete the preparation and publication of the acts and resolves of the Province of the Massachusetts Bay, of whom one shall edit said work and receive therefor, for a period not exceeding said term, a salary of two thousand dollars a year, and the other two shall serve without compensation except such reimbursement or allowance for travelling and other expenses as the governor and council shall approve. Said commissioners shall be provided with an office in some suitable place in the city of Boston, and shall make a report in writing of their doings to the general court in January of each year.

Province laws.

Approved February 23, 1893.

RESOLVE IN FAVOR OF MARGARET MURPHY.

Chap. 13

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Margaret Murphy of Boston, widow of Timothy Murphy, the sum of thirty-seven dollars and sixty-three cents, and that from and after the first day of January in the year eighteen hundred and ninety-three, there be allowed and paid to said Margaret Murphy an annuity of two hundred dollars during her natural life, in equal quarterly payments; the same being the renewal of an annuity granted by the general court in the year eighteen hundred and eighty-eight to Timothy Murphy, who while in the employ of the Commonwealth was badly injured by an explosion at the Hoosac tunnel, and who died on the twenty-third day of October in the year eighteen hundred and ninety-two. This annuity shall cease in case the said Margaret Murphy should remarry.

*Margaret
Murphy.*

Approved February 25, 1893.

Chap. 14 RESOLVE TO CONFIRM THE ACTS OF CHARLES F. PAINE AS A JUSTICE OF THE PEACE.

Charles F. Paine, justice of the peace, acts confirmed.

Resolved, That all acts done by Charles F. Paine as justice of the peace, between the eighth day of March in the year eighteen hundred and eighty-nine and the twenty-ninth day of October in the year eighteen hundred and ninety, inclusive, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

Approved February 25, 1893.

Chap. 15 RESOLVE PROVIDING FOR PRINTING THE SPECIAL REPORT OF THE STATE BOARD OF AGRICULTURE ON THE WORK OF THE EXTERMINATION OF THE OCNERIA DISPAR OR GYPSY MOTH.

Report on extermination of gypsy moth.

Resolved, That there be printed for public distribution five thousand copies of the special report of the state board of agriculture on the work of extermination of the ocneria dispar or gypsy moth.

Approved February 25, 1893.

Chap. 16 RESOLVE EXTENDING THE TIME WITHIN WHICH THE COMMISSIONERS APPOINTED TO CONSOLIDATE AND ARRANGE THE LAWS RELATING TO ELECTIONS MAY REPORT TO THE GENERAL COURT, AND EXTENDING THE TERMS OF OFFICE OF SAID COMMISSIONERS.

Commissioners to consolidate and arrange election laws.

Resolved, That the time within which the commissioners appointed under chapter ninety-four of the resolves of the year eighteen hundred and ninety-two, providing for consolidating and arranging the laws relating to elections, may report to the general court, be extended to the second Wednesday in March; and that the terms of office of said commissioners be extended until that date.

Approved February 25, 1893.

Chap. 17 RESOLVE IN FAVOR OF LEMUEL BURR.

Lemuel Burr.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Lemuel Burr of Cambridge, the sum of one hundred and fifty dollars, in consideration of his care of and attention to his late mother and aunt, who were members of the Ponkapoag tribe of Indians and were formerly beneficiaries of the Commonwealth.

Approved February 25, 1893.

RESOLVE PROVIDING FOR PRINTING THE REPORT OF THE METROPOLITAN PARK COMMISSION. *Chap. 18*

Resolved, That there be electrotyped, printed and bound, four thousand copies of the report of the metropolitan park commission, to be distributed as follows: To each member of the executive and legislative departments, the clerks and assistant clerks of the two branches of the general court, and each reporter assigned a seat in either branch, three copies; to the state library, twenty-five copies; to the Massachusetts historical society and the New England historic genealogical society, five copies each; to each free public library in the Commonwealth, which is open to the use of the city or town where it is situated, one copy; all of which shall be distributed under the direction of the secretary of the Commonwealth; the balance shall be placed at the disposal of the said metropolitan park commission. The aforesaid report shall be bound in cloth.

Report of
metropolitan
park commis-
sion.

Approved March 7, 1893.

RESOLVE TO PROVIDE FOR COMPLETING CERTAIN CHANGES IN THE NORMAL ART SCHOOL BUILDING. *Chap. 19*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twelve hundred dollars, for the purpose of completing the changes in the normal art school building needed to provide additional light for studio work; the amount to be expended under the direction of the state board of education.

Normal art
school building.

Approved March 7, 1893.

RESOLVE IN FAVOR OF JAMES F. CONWAY.

Chap. 20

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to James F. Conway of Boston the sum of one hundred and eight dollars, in full compensation for the loss of services of a horse which was used by the Roxbury horse guards on the sixth day of October in the year eighteen hundred and ninety-two, in the performance of military duty under the direction of the commander in chief, and was then injured by being kicked, so that said Conway lost the services of said horse until the eighteenth day of November following.

James F.
Conway.

Approved March 7, 1893.

Chap. 21Cavanaugh
Brothers.

RESOLVE IN FAVOR OF CAVANAUGH BROTHERS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Cavanaugh Brothers of Boston the sum of seventy-five dollars, in full compensation for a horse which died on the thirteenth of July in the year eighteen hundred and ninety-two, said horse at the time of his death being used by battery A, light artillery, Massachusetts volunteer militia, at the annual encampment of that year. *Approved March 7, 1893.*

Chap. 22Westborough
insane hospital.RESOLVE PROVIDING FOR THE PAYMENT OF CURRENT EXPENSES
AT THE WESTBOROUGH INSANE HOSPITAL.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seven thousand dollars, for the purpose of meeting current expenses at the Westborough insane hospital at Westborough during the year eighteen hundred and ninety-three; the same to be expended under the direction of the trustees of said hospital. *Approved March 7, 1893.*

Chap. 23Procedure in
courts of pro-
bate and insol-
vency.RESOLVE RELATIVE TO PROCEDURE IN THE COURTS OF PROBATE
AND INSOLVENCY.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one thousand dollars, for the purpose of providing for the expenses of the making of new forms and rules regulating the practice and for conducting the business in the courts of probate and insolvency, to be expended under the direction of such committee as the judges of probate and insolvency may appoint for making said forms and rules.

*Approved March 9, 1893.***Chap. 24**Reports of state
board of arbitra-
tion and con-
ciliation.RESOLVE PROVIDING FOR PRINTING ADDITIONAL COPIES OF THE
FIRST AND FOURTH ANNUAL REPORTS OF THE STATE BOARD OF
ARBITRATION AND CONCILIATION.

Resolved, That two hundred and fifty copies of the first annual report, and a like number of the fourth annual report, of the state board of arbitration and conciliation be printed, to be distributed under the direction of said board.

Approved March 9, 1893.

RESOLVE PROVIDING FOR THE PRINTING AND DISTRIBUTION OF A
SYNOPTICAL AND ANALYTICAL INDEX TO THE ANNUAL VOLUMES
OF THE AGRICULTURE OF MASSACHUSETTS.

Chap. 25

Resolved, That the secretary of the board of agriculture cause to be electrotyped, printed and bound for distribution, five thousand copies of a synoptical and analytical index to the fifty-two annual volumes of the agriculture of Massachusetts.

Index to annual
volumes of
agriculture of
Massachusetts.

Approved March 9, 1893.

RESOLVE IN FAVOR OF BARNABAS E. BALL.

Chap. 26

Resolved, That Barnabas E. Ball of Boston, a musician in the band of the third brigade, second division, second corps of the union army during the war of the rebellion, who at the time of enlistment therein was a citizen and resident of Massachusetts, shall, from and after the passage of this resolve, be eligible to receive state aid under the provisions, rules and limitations of chapters three hundred and one and two hundred and seventy-nine of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent he would have been entitled had he served to the credit of this Commonwealth.

Barnabas E.
Ball.

Approved March 9, 1893.

RESOLVE PROVIDING FOR PRINTING ONE THOUSAND COPIES OF THE
REPORT OF THE COMMISSIONERS APPOINTED TO INQUIRE INTO
THE EXPEDIENCY OF REVISING AND AMENDING THE LAWS RELAT-
ING TO TAXATION AND EXEMPTION THEREFROM, MADE TO THE
GENERAL COURT IN THE YEAR EIGHTEEN HUNDRED AND SEVENTY-
FIVE.

Chap. 27

Resolved, That one thousand copies of house document number fifteen of the year eighteen hundred and seventy-five, being the report of the commissioners appointed to inquire into the expediency of revising and amending the laws relating to taxation and exemption therefrom, be reprinted; the same to be distributed under the direction of the tax commissioner.

Report of com-
missioners on
revising and
amending tax
laws.

Approved March 10, 1893.

RESOLVE IN FAVOR OF THE ESTATE OF ASA SMITH.

Chap. 28

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the executor or administrator of the estate of the late Asa Smith, a member of

Estate of Asa
Smith.

the house of representatives from the first Dukes district, the sum of seven hundred and seventy dollars, being the compensation and mileage the said Smith would have been entitled to receive had he lived to the end of the present session.

Approved March 10, 1893.

Chap. 29

Widow of
Henry J. Jen-
nings.

RESOLVE IN FAVOR OF THE WIDOW OF HENRY J. JENNINGS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the widow of the late Henry J. Jennings, a member of the house of representatives from the twenty-first Worcester district, the sum of seven hundred and fifty-nine dollars, being the compensation and mileage the said Jennings would have been entitled to receive had he lived to the end of the present session.

Approved March 10, 1893.

Chap. 30

Records, etc.,
in office of
secretary.

RESOLVE RELATING TO THE RECORDS, FILES, PAPERS AND DOCUMENTS IN THE DEPARTMENT OF THE SECRETARY OF THE COMMONWEALTH.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-five hundred dollars, for the arrangement for preservation of state records and papers and for a careful and comprehensive index of the same, to be expended under the direction of the secretary of the Commonwealth, the said sum to be in addition to the amount authorized by chapter eight of the acts of the present year.

Approved March 17, 1893.

Chap. 31

Index to regis-
tration returns.

RESOLVE PROVIDING FOR INDEXES TO THE REGISTRATION RETURNS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding ten thousand dollars, to be expended under the direction of the secretary of the Commonwealth in preparing a complete alphabetical index of the returns of births, marriages and deaths for the period between the years eighteen hundred and forty-one and eighteen hundred and eighty. Said index being estimated to require three years for its completion, and the amount authorized in this resolve being for expenses of the present year.

Approved March 17, 1893.

RESOLVE PROVIDING FOR AN INDEX TO THE CERTIFICATES OF CORPORATIONS FILED IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH.

Chap. 32

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twelve hundred dollars, for the purpose of making an index of certificates of corporations filed under general laws from the year eighteen hundred and fifty-one up to the present time, in the office of the secretary of the Commonwealth.

Index to certificates of corporations.

Approved March 17, 1893.

RESOLVE PROVIDING FOR THE PURCHASE OF CERTAIN REVOLUTIONARY ROLLS.

Chap. 33

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two hundred dollars, to enable the secretary of the Commonwealth to purchase from Samuel A. Drake some five hundred muster rolls and other papers containing evidences of record of Massachusetts soldiers in the revolution.

Purchase of revolutionary rolls.

Approved March 17, 1893.

RESOLVE PROVIDING FOR A NEW HOSPITAL AND FOR REIMBURSEMENT FOR EXPENDITURES FOR FURNITURE AND MACHINERY AT THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

Chap. 34

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eight thousand dollars, to be expended at the Massachusetts school for the feeble-minded under the direction of the trustees thereof, for the purpose of erecting a building to be used as a hospital for the especial care of contagious diseases; and a further sum not exceeding twelve thousand five hundred dollars to reimburse the trustees of said institution for expenditures made by them in the purchase of machinery and furniture in excess of appropriations therefor, the bills for such expenditure to be filed with the auditor of the Commonwealth.

Massachusetts school for the feeble-minded.

Approved March 17, 1893.

RESOLVE TO CONFIRM THE ACTS OF I. AUSTIN BASSETT AS A JUSTICE OF THE PEACE.

Chap. 35

Resolved, That all the acts done by I. Austin Bassett of Boston as a justice of the peace, between the second day of April in the year eighteen hundred and ninety-one

I. Austin Bassett, justice of the peace, acts confirmed.

and the twenty-seventh day of January in the year eighteen hundred and ninety-three, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

Approved March 25, 1893.

Chap. 36 RESOLVE IN FAVOR OF CERTAIN INHABITANTS OF THE TOWN OF GOSNOLD.

Certain inhabitants of the town of Gosnold.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of three thousand five hundred dollars, in recognition of the brave services of the citizens of this Commonwealth who risked their lives and who perished while attempting to rescue the crew of the brig Aquatic, which was wrecked on the island of Cuttyhunk in the town of Gosnold on the night of the twenty-fourth of February in the year eighteen hundred and ninety-three; five hundred dollars of the above amount to be paid to Joseph Tilton, the survivor, and the balance to be apportioned in such equitable manner as the governor and council shall determine, having due regard to the number of their dependents and their necessities, to the families of each of the following men who lost their lives: Captain Timothy Akin, Jr., Isaiah H. Tilton, Fred Akin, Eugene Brightman and Hiram Jackson.

Approved March 25, 1893.

Chap. 37 RESOLVE PROVIDING FOR THE CONSTRUCTION OF SEWERS AT THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

Massachusetts school for the feeble-minded.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one thousand dollars, to be expended at the Massachusetts school for the feeble-minded at Waltham under the direction of the trustees thereof, for the purpose of constructing sewers within the grounds of said school.

Approved March 25, 1893.

Chap. 38 RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

Massachusetts charitable eye and ear infirmary.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty thousand dollars, to be expended at the Massachusetts charitable eye and ear infirmary under the direction of the managers thereof, for the charitable purposes of said infirmary for the present year.

Approved March 25, 1893.

RESOLVE RELATIVE TO THE PARTICIPATION OF THE COMMON-WEALTH IN THE WORLD'S COLUMBIAN EXPOSITION.

Chap. 39

Resolved, That for the purpose of exhibiting the arts, industries, institutions, resources, products and general development of the Commonwealth of Massachusetts at the world's Columbian exposition at Chicago in the state of Illinois, in the year eighteen hundred and ninety-three, there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-five thousand dollars, to be expended under the direction of the governor and council to carry out the provisions of this resolve, the same to be in addition to the amounts heretofore authorized.

World's Columbian exposition.

Approved March 25, 1893.

RESOLVE PROVIDING AGAINST DEPREDACTIONS BY THE INSECT KNOWN AS THE OCNERIA DISPAR OR GYPSY MOTH.

Chap. 40

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one hundred thousand dollars, which sum may be expended under the direction of the state board of agriculture in continuing the work of exterminating the insect known as the ocneria dispar or gypsy moth, as provided for in chapter two hundred and ten of the acts of the year eighteen hundred and ninety-one. The above sum shall be in addition to any balance remaining unexpended of the appropriations of the year eighteen hundred and ninety-two.

Gypsy moth.

Approved March 28, 1893.

RESOLVE IN FAVOR OF MARY E. DANIELS.

Chap. 41

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, from and after the first day of January in the year eighteen hundred and ninety-three, to Mary E. Daniels, an annuity of forty-eight dollars during her natural life, in equal quarterly payments; said Mary E. Daniels having been a nurse in the union army during the war of the rebellion.

Mary E. Daniels.

Approved March 28, 1893.

RESOLVE IN FAVOR OF HENRY C. GREELEY.

Chap. 42

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Henry C. Greeley, treasurer of the board of trustees of the state industrial school for girls at Lancaster, the sum of forty-nine dol-

Henry C. Greeley.

lars and two cents, being for interest paid on money borrowed for the purpose of purchasing a herd of cattle during the year eighteen hundred and ninety-one, to replace the diseased stock condemned and killed at Lancaster.

Approved March 29, 1893.

Chap. 43 RESOLVE PROVIDING FOR CONCRETE WALKS AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

State industrial school for girls.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five hundred dollars, to be expended at the state industrial school for girls at Lancaster under the direction of the trustees and superintendent thereof, for the purpose of concreting the walks on the grounds of said institution.

Approved March 29, 1893.

Chap. 44 RESOLVE IN FAVOR OF THOMAS P. HIGGINS.

Thomas P. Higgins.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Thomas P. Higgins of Amesbury the sum of seventy-five dollars, in full compensation for loss of time and for expenses in consequence of injuries received in the eyes and face in a sham fight, while on duty as a private in company B, eighth regiment, Massachusetts volunteer militia, in the town of Danvers on the thirtieth day of September in the year eighteen hundred and ninety-one, and while acting under the orders of the commander in chief.

Approved March 29, 1893.

Chap. 45 RESOLVE PROVIDING FOR PRINTING THE REPORT OF THE COMMISSION TO IMPROVE THE HIGHWAYS OF THIS COMMONWEALTH.

Report of highway commission.

Resolved, That there be electrotyped, printed and bound in cloth, five thousand copies of the report of the commission appointed to consider what legislation is necessary for the better construction and maintenance of the highways in this Commonwealth, with appendices marked A, B, C, D, E, F, G, H, I, J and K, containing the statistics in tabulated form prepared under the direction of said commission, to be distributed as follows: To each member of the general court, ten copies; to each member of the executive departments, the clerks and assistant clerks of the two branches of the general court and each reporter assigned a seat in either branch, one copy; to the state library, twenty-five copies; to the Massachusetts historical society and the New England historic genealogical society,

five copies each; to each free public library in the Commonwealth which is open to the use of the city or town where it is situated, one copy; all of which shall be distributed under the direction of the secretary of the Commonwealth; the balance shall be placed in the office of the secretary of the Commonwealth for public distribution.

Approved March 29, 1893.

RESOLVE PROVIDING FOR THE COLLECTION AND CIRCULATION OF INFORMATION RELATING TO ABANDONED FARMS. *Chap. 46*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one thousand dollars, to be expended under the direction of the state board of agriculture in collecting all necessary information in regard to the opportunities for developing the agricultural resources of the Commonwealth, through the repopulation of abandoned and partially abandoned farms, and causing the facts obtained and a statement of the advantages offered to be circulated where and in such manner as said board may consider for the best interests of the Commonwealth, in accordance with chapter two hundred and eighty of the acts of the year eighteen hundred and ninety-one.

Abandoned
farms.

Approved March 29, 1893.

RESOLVE PROVIDING FOR CERTAIN REPAIRS AND IMPROVEMENTS AT THE STATE ALMSHOUSE AT TEWKSBURY. *Chap. 47*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirty-nine thousand two hundred dollars, to be expended at the state almshouse at Tewksbury under the direction of the superintendent and trustees thereof, for the following purposes, to wit: For a new kitchen, boiler house, boilers, bakery, dining room and furnishing, a sum not exceeding thirty-four thousand nine hundred and fifty dollars; for a farmhouse and land, a sum not exceeding twenty-seven hundred and fifty dollars, and for painting, a sum not exceeding fifteen hundred dollars.

Statealmshouse.

Approved March 29, 1893.

RESOLVE PROVIDING FOR CERTAIN REPAIRS AND IMPROVEMENTS AT THE STATE FARM AT BRIDGEWATER. *Chap. 48*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifty thousand dollars, to be expended at the state farm at

State farm.

Bridgewater under the direction of the trustees and superintendent, for the following purposes: For the erection of a building to contain seventy-five strong rooms, a sum not exceeding thirty-five thousand dollars; for an asylum wall, a sum not exceeding three thousand dollars; for the erection of a dormitory, a sum not exceeding seven thousand dollars; and for repairs of the chapel and providing additional room, a sum not exceeding five thousand dollars, in addition to the amount authorized in chapter thirteen of the resolves of the year eighteen hundred and ninety-two for the same purpose.

Approved March 29, 1893.

Chap. 49 RESOLVE RELATIVE TO INDEXING THE NAMES OF SOLDIERS OF THE WAR OF THE REBELLION, IN THE OFFICE OF THE ADJUTANT GENERAL.

Index to names of soldiers of the war of the rebellion.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding four hundred and seventy-five dollars, to be expended under the direction of the governor for the purpose of completing the indexing of the names of officers and men who served from this Commonwealth during the war of the rebellion; said sum to be in addition to the seventeen hundred dollars authorized by chapter sixty-seven of the resolves of the year eighteen hundred and ninety-two.

Approved March 29, 1893.

Chap. 50 RESOLVE PROVIDING FOR THE REMOVAL OF THE VARIOUS DEPARTMENTS TO THEIR NEW LOCATIONS IN THE STATE HOUSE EXTENSION.

Removal of state departments.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding ten thousand dollars, for the purpose of paying the necessary expenses of the removal of the various departments of the state house, to their new locations in the state house extension, to be expended under the direction of the commission on the state house.

Approved April 4, 1893.

Chap. 51

RESOLVE IN FAVOR OF DANIEL WITT.

Daniel Witt.

Resolved, That Daniel Witt of Templeton, the aged and helpless father of Clayton Witt who served in company K, twenty-fifth regiment, Massachusetts volunteers, during the war of the rebellion, and who died of starvation as

a prisoner of war at Florence, South Carolina, shall, from and after the passage of this resolve, be eligible to receive state aid under the provisions, rules and limitations of chapter three hundred and one of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent that he would have been entitled had he received state aid as a dependent father during the year eighteen hundred and sixty-six, by virtue of then existing law.

Approved April 7, 1893.

RESOLVE IN FAVOR OF NORMAN Y. BRINTNALL.

Chap. 52

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Norman Y. Brintnall of Charlestown the sum of one hundred and fifty dollars, in full compensation for a horse that was used by Robert Ball Edes on a tour of duty at the state camp ground at Framingham during the month of July in the year eighteen hundred and ninety-two, and being overcome by the extreme heat of the week fell dead upon the field. The said Robert Ball Edes was a first lieutenant and inspector of rifle practice, fifth regiment of infantry, Massachusetts volunteer militia, and at the time on duty under orders of the commander in chief.

Norman Y.
Brintnall.

Approved April 7, 1893.

RESOLVE GRANTING COUNTY TAXES.

Chap. 53

Resolved, That the sums placed against the names of the several counties in the following schedule are granted as a tax for each county named, respectively, to be collected and applied according to law: — Barnstable, eighteen thousand dollars; Berkshire, seventy-five thousand dollars; Bristol, two hundred thousand dollars; Dukes County, seven thousand five hundred dollars; Essex, two hundred and forty-six thousand five hundred dollars; Franklin, thirty-three thousand dollars; Hampden, one hundred and thirty thousand dollars; Hampshire, forty-eight thousand dollars; Middlesex, three hundred and fifty-thousand dollars; Norfolk, one hundred and forty thousand dollars; Plymouth, ninety thousand dollars; Worcester, one hundred and fifty thousand dollars.

County taxes
granted.

Approved April 7, 1893.

RESOLVE IN FAVOR OF ANNIE F. SHEVLIN.

Chap. 54

Resolved, That Annie F. Shevlin of Sandwich, widow of James Shevlin who, under the name of Francis McFar-

Annie F.
Shevlin.

lane, enlisted in company E, seventh regiment of infantry, army of the United States, on the third day of July in the year eighteen hundred and sixty and served therein until the thirteenth day of July in the year eighteen hundred and sixty-seven, and who at the date of said enlistment was a citizen and resident of Massachusetts, shall, from and after the passage of this resolve, be eligible to receive state aid under the provisions, rules and limitations of chapter three hundred and one of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent that she would have been entitled had her husband served to the credit of this Commonwealth.

Approved April 11, 1893.

- Chap. 55** RESOLVE REQUESTING THE TAX COMMISSIONER TO PREPARE BLANK FORMS TO SECURE UNIFORMITY AND GREATER CERTAINTY IN THE ASSESSMENT OF TAXES.

Blank forms for assessment of taxes.

Resolved, That the tax commissioner be authorized and requested to prepare and report to the present general court, a form of blank return for filing with the assessors of the several cities and towns the lists of property required by sections thirty-eight and seventy-two of chapter eleven of the Public Statutes. Such form shall be adapted to secure uniformity and greater certainty in the assessment of taxes.

Approved April 12, 1893.

- Chap. 56** RESOLVE PROVIDING FOR IMPROVEMENTS AT THE STATE NORMAL SCHOOL AT WESTFIELD.

State normal school at Westfield.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of three thousand five hundred dollars, to be expended under the direction of the state board of education at the state normal school at Westfield, for the following purposes: For completing the filling and grading of the school lot, fencing said lot, for curbstones in front of said lot and for additions to the heating apparatus of the school building.

Approved April 12, 1893.

- Chap. 57** RESOLVE PROVIDING FOR CERTAIN IMPROVEMENTS AT THE STATE ALMSHOUSE AT TEWKSBURY.

State almshouse.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one hundred and fifty thousand dollars, to be expended at the

state almshouse at Tewksbury under the direction of the trustees and superintendent of said institution, for the purpose of erecting fireproof buildings, with such improvements and additions as may be necessary, in place of the present wooden structure: *provided, however*, that not more than seventy-five thousand dollars shall be expended during the present year.

Approved April 12, 1893.

RESOLVE PROVIDING FOR A NEW OUTFIT FOR THE MEDICAL DEPARTMENT OF THE MILITIA.

Chap. 58

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one thousand dollars, to be expended under the direction of the surgeon general in the purchase of a new field outfit for the use of the medical department of the volunteer militia.

Outfit for medical department of the militia.

Approved April 12, 1893.

RESOLVE IN FAVOR OF WILLIAM O'SULLIVAN.

Chap. 59

Resolved, That William O'Sullivan of Lawrence, father of William O'Sullivan, junior who served as captain of company K, fortieth regiment, New York volunteers, in the war of the rebellion, and was killed at the battle of Fredericksburg on the thirteenth day of December in the year eighteen hundred and sixty-two, shall, from and after the first day of February of the present year, be eligible to receive state or military aid under the provisions, rules and limitations of chapters two hundred and seventy-nine and three hundred and one of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent that he would have been entitled had he served personally in said war to the credit of this Commonwealth.

William O'Sullivan.

Approved April 15, 1893.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE NORMAL SCHOOL AT FRAMINGHAM.

Chap. 60

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand one hundred and six dollars, to be expended under the direction of the state board of education for the purpose of providing automatic heating and ventilating apparatus at the state normal school at Framingham.

State normal school at Framingham.

Approved April 15, 1893.

Chap. 61 RESOLVE TO PROVIDE FOR REPAIRING A BOILER AT THE STATE
NORMAL SCHOOL AT SALEM.

State normal
school at Salem.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding three hundred and fifty dollars, to be expended under the direction of the state board of education for repairing the boiler at the state normal school at Salem.

Approved April 15, 1893.

Chap. 62 RESOLVE PROVIDING FOR CERTAIN EXPENSES AT THE STATE NOR-
MAL SCHOOL AT BRIDGEWATER.

State normal
school at
Bridgewater.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of four thousand one hundred and eighty-nine dollars and thirty cents, for the payment of certain bills incurred in connection with the removal of the old building and the erection of new buildings at the state normal school at Bridgewater, in excess of the appropriation therefor.

Approved April 15, 1893.

Chap. 63 RESOLVE PROVIDING FOR CONSOLIDATING AND ARRANGING THE
LAWS RELATING TO SAVINGS BANKS AND INSTITUTIONS FOR
SAVINGS.

Consolidation,
etc., of laws
relating to sav-
ings banks, etc.

Resolved, That the board of commissioners of savings banks be instructed to consolidate and arrange the laws relating to savings banks and institutions for savings. Said commissioners shall collect all acts and parts of acts relating to such institutions, and shall execute and complete such consolidation and arrangement in such manner as shall render such laws most concise, plain and intelligible. The commissioners may, in consolidating and arranging these laws, omit redundant enactments, reject superfluous words, and condense into as concise and comprehensive a form as is consistent with a full and clear expression of the will of the legislature, all circuitous, tautological and ambiguous phraseology; suggest any mistakes, omissions, inconsistencies and imperfections which may appear in the laws to be consolidated and arranged, and the manner in which they may be corrected, supplied and amended. The commissioners shall indicate, by brief marginal notes and references, the statutes, chapters and sections consolidated and arranged by them, and the substance of the contents of

each section. They shall complete the said consolidation and arrangement and make and present their report in print to the general court on or before the first Wednesday in February in the year eighteen hundred and ninety-four. Said commissioners shall be allowed and paid out of the treasury of the Commonwealth, as compensation for this special duty, the sum of seven hundred dollars, which shall include the expense of printing and any clerical and expert assistance required.

Approved April 15, 1893.

RESOLVE PROVIDING FOR REPAIRS TO THE FARMHOUSE AND FOR THE REMOVAL OF THE OLD CHAPEL AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

Chap. 64

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five hundred dollars, to be expended at the state industrial school for girls at Lancaster under the direction of the trustees thereof, for the purpose of making necessary repairs to the farmhouse and for removing the old chapel building.

State industrial school for girls.

Approved April 19, 1893.

RESOLVE IN FAVOR OF HENRY S. WORRALL.

Chap. 65

Resolved, That Henry S. Worrall, who was permanently disabled while engaged in the active service of the fire department of the city of Boston, shall, after the passage of this resolve, be eligible to receive the pension, and to be placed on the pension roll, under the provisions, rules and limitations of chapter one hundred and seven of the acts of the year eighteen hundred and eighty and acts in amendment thereof or supplementary thereto, in the same manner and to the same extent that he would have been entitled had the provisions of the said chapter been in force at the time he was disabled.

Henry S. Worrall.

Approved April 19, 1893.

RESOLVE IN FAVOR OF WILLIAM RILEY.

Chap. 66

Resolved, That William Riley of Melrose, who served in the United States army during the war of the rebellion, and who was at the date of enlistment a resident and citizen of this Commonwealth, shall, from and after the passage of this resolve, be eligible to receive state or military aid under the provisions, rules and limitations of

William Riley.

chapters three hundred and one and two hundred and seventy-nine of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent that he would have been entitled had he served to the credit of this Commonwealth. *Approved April 24, 1893.*

Chap. 67

Widow of
Samuel Crooks.

RESOLVE IN FAVOR OF THE WIDOW OF SAMUEL CROOKS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the widow of Samuel Crooks, late a member of the house of representatives from the twenty-seventh Middlesex district, the sum of eight hundred and sixteen dollars, being the salary, mileage and compensation for travel to which the said Samuel Crooks would have been entitled had he lived to the close of the present session of the general court.

Approved April 24, 1893.

Chap. 68

Taunton lunatic
hospital.

RESOLVE PROVIDING FOR CERTAIN REPAIRS AND IMPROVEMENTS
AT THE TAUNTON LUNATIC HOSPITAL.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seventeen thousand five hundred dollars, to be expended at the Taunton lunatic hospital at Taunton under the direction of the trustees thereof, for the following purposes: For completing the male infirmary, a sum not exceeding three thousand dollars; for furnishing the new infirmary, a sum not exceeding twenty-five hundred dollars; for building a new piggery, a sum not exceeding five thousand dollars; for fire escapes and hose, a sum not exceeding two thousand dollars; for the completion of the steam and hot water piping, a sum not exceeding two thousand dollars; and for general repairs, a sum not exceeding three thousand dollars.

Approved April 24, 1893.

Chap. 69

Report of public
library commis-
sion.

RESOLVE TO PROVIDE FOR PRINTING ONE THOUSAND EXTRA COPIES
OF THE ANNUAL REPORT OF THE FREE PUBLIC LIBRARY COM-
MISSION.

Resolved, That there shall be printed one thousand copies of the annual report of the free public library commission for the year eighteen hundred and ninety-two in addition to the number now provided for by law.

Approved April 26, 1893.

RESOLVE PROVIDING FOR THE PAYMENT OF CERTAIN BILLS AUTHORIZED BY THE SURGEON GENERAL, IN EXCESS OF APPROPRIATIONS THEREFOR, FOR THE YEAR EIGHTEEN HUNDRED AND NINETY-TWO.

Chap. 70

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of two hundred and seventeen dollars and eighty-eight cents, for the payment of bills, now on file in the department of the auditor of the Commonwealth, authorized by the surgeon general in excess of appropriations therefor, during the year eighteen hundred and ninety-two, being for medical supplies furnished the Massachusetts volunteer militia.

Payment of certain bills authorized by the surgeon general.

Approved April 26, 1893.

RESOLVE PROVIDING FOR PRINTING AND BINDING ADDITIONAL COPIES OF THE REPORT OF THE METROPOLITAN PARK COMMISSION.

Chap. 71

Resolved, That five thousand additional copies of the report of the metropolitan park commission be printed and bound in cloth, to be distributed as follows: Ten copies to each member of the senate and house of representatives and the balance to be placed in the department of the secretary of the Commonwealth for distribution.

Report of the metropolitan park commission.

Approved May 2, 1893.

RESOLVE PROVIDING FOR THE ENLARGEMENT AND REPAIR OF THE STATE LUNATIC HOSPITAL AT NORTHAMPTON.

Chap. 72

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifty thousand dollars, to be expended under the direction of the trustees of the state lunatic hospital at Northampton, for the purpose of enlarging the hospital and for other necessary repairs: *provided, however*, that no more than twenty-five thousand dollars shall be expended during the present year.

Northampton lunatic hospital.

Approved May 2, 1893.

RESOLVE IN FAVOR OF ELIZA M. DOYLE.

Chap. 73

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Eliza M. Doyle of Wakefield, the sum of one hundred and fifty dollars, in full compensation for the loss of a horse belonging to her, which was injured by the sixth regiment, Massachusetts volunteer militia on the fifth day of October in the year

Eliza M. Doyle.

eighteen hundred and ninety-two, while said regiment was on military duty under the direction of the commander in chief, said injuries being so serious as to necessitate the killing of said horse.

Approved May 2, 1893.

Chap. 74 RESOLVE PROVIDING FOR CERTAIN EXPENSES OF THE NAVAL BATTALION, MASSACHUSETTS VOLUNTEER MILITIA.

Naval battalion,
Massachusetts
volunteer
militia.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-five hundred dollars, to be expended under the direction of the commander of the naval battalion of the Massachusetts volunteer militia, for reimbursement of sums expended in providing means of instruction in drills, in caring for property of the United States loaned for the especial use of the naval battalion, and for general purposes of fittings incidental to the equipment of the command.

Approved May 2, 1893.

Chap. 75 RESOLVE IN FAVOR OF MARY C. DALEY.

Mary C. Daley.

Resolved, That Mary C. Daley of Boston, widow of William B. Daley who served in the United States navy and in company F, tenth regiment, New York cavalry during the war of the rebellion, and who at dates of enlistment therein was a citizen of Massachusetts, shall, from and after the passage of this resolve, be eligible to receive state or military aid under the provisions, rules and limitations of chapters two hundred and seventy-nine and three hundred and one of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent that she would have been had her late husband served to the credit of this Commonwealth.

Approved May 2, 1893.

Chap. 76 RESOLVE PROVIDING FOR REPAIRS AND IMPROVEMENTS AT THE WORCESTER LUNATIC HOSPITAL.

Worcester
lunatic hospital.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding forty-five thousand dollars, to be expended at the Worcester lunatic hospital at Worcester under the direction of the trustees of said institution, for the following purposes: For removing and thoroughly overhauling the plumbing, and building an annex for the water-closets, bath and wash rooms, a sum not exceeding twenty thousand dol-

lars; and for the erection of a new brick building suitable for the fifty patients working on the farm, a sum not exceeding twenty-five thousand dollars: *provided, however*, that no more than twenty thousand dollars shall be expended during the present year.

Approved May 2, 1893.

RESOLVE PROVIDING FOR REPAIRS AND IMPROVEMENTS AT THE WESTBOROUGH INSANE HOSPITAL. *Chap. 77*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding ten thousand eight hundred dollars, to be expended at the Westborough insane hospital at Westborough under the direction of the trustees of said hospital, for the following purposes: For furnishing the new laundry, a sum not exceeding one thousand dollars; for raising the roof of the building known as the cottage, and building an additional story, a sum not exceeding five thousand dollars; for building a new piggery, a sum not exceeding three thousand dollars; for a new boiler for the pumping station, a sum not exceeding eight hundred dollars, and for painting the main hospital building, a sum not exceeding one thousand dollars.

Westborough
insane hospital.

Approved May 2, 1893.

RESOLVE PROVIDING FOR REPAIRS AND IMPROVEMENTS TO THE STATE HATCHERY AT WILKINSONVILLE IN THE TOWN OF SUTTON. *Chap. 78*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand dollars, to be expended under the direction of the commissioners on inland fisheries and game, for the purpose of constructing a dwelling house for the use of the superintendent, for outbuildings and for furnishing the works at the state hatchery at Wilkinsonville in the town of Sutton.

State hatchery
at Sutton.

Approved May 2, 1893.

RESOLVE RELATING TO ASCERTAINING AND MARKING POSITIONS OCCUPIED BY MASSACHUSETTS TROOPS AT CHATTANOOGA. *Chap. 79*

Whereas, Congress has purchased the battlefield of Chickamauga and established the Chickamauga and Chattanooga national military park; and the states of Georgia and Tennessee have ceded the roads through this field and over Lookout mountain and along the crest of Missionary ridge, as approaches to, and a part of the said park; and a commission appointed by the secretary of war is now

Ascertaining,
etc., positions of
Massachusetts
troops at Chat-
tanooga.

engaged in locating both the union and the confederate lines of battle;

Commissioner.

Resolved, That the governor is hereby authorized to appoint one commissioner from among those persons who participated in the campaign of Chattanooga in the civil war, whose duty it shall be to coöperate with the national commission in ascertaining and marking the position occupied in and about Chattanooga by the two regiments of Massachusetts troops which were engaged there. Said commissioner shall serve without pay but shall be allowed his actual and necessary expenses to be determined by the governor and council.

Approved May 2, 1893.

Chap. 80

Distribution of provincial laws.

RESOLVE RELATING TO THE DISTRIBUTION OF THE PROVINCIAL LAWS.

Resolved, That fifty copies of the acts and laws of the Province of Massachusetts Bay, printed under authority of chapter eighty-seven of the resolves of the year eighteen hundred and sixty-seven, in addition to the number now authorized by law, be distributed in such manner as the secretary of the Commonwealth and the commissioners appointed to superintend the printing of the same shall determine.

Approved May 2, 1893.

Chap. 81

Metropolitan sewerage commissioners.

RESOLVE IN FAVOR OF THE BOARD OF METROPOLITAN SEWERAGE COMMISSIONERS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the board of metropolitan sewerage commissioners a sum not exceeding four thousand five hundred dollars, for the purchase of furniture and furnishings for the offices of said commissioners.

Approved May 2, 1893.

Chap. 82

Anna M. Long.

RESOLVE IN FAVOR OF ANNA M. LONG.

Resolved, That Anna M. Long, widow of Henry Long who served during the war of the rebellion as seaman on board the United States coast survey steamer Bibb, shall, from and after the passage of this resolve, be eligible to receive state or military aid, under the provisions, rules and limitations of chapters three hundred and one and two hundred and seventy-nine of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent that she would have been entitled to receive the same had her late husband served as an enlisted seaman in the United States navy.

Approved May 2, 1893.

RESOLVE PROVIDING FOR ADDITIONAL FIRE ESCAPES AT THE WESTBOROUGH INSANE HOSPITAL. *Chap. 83*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of seven hundred dollars, to be expended under the direction of the trustees of the Westborough insane hospital, for the purpose of providing additional protection against fire in the buildings belonging to said hospital, and providing additional fire escapes for said buildings. *Approved May 2, 1893.*

Westborough
insane hospital.

RESOLVE TO PROVIDE FOR PAINTING AT THE REFORMATORY PRISON FOR WOMEN. *Chap. 84*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifteen hundred dollars, to be expended under the direction of the commissioners of prisons, for painting the buildings and fences at the reformatory prison for women. *Approved May 2, 1893.*

Reformatory
prison for
women.

RESOLVE IN FAVOR OF THE WIDOW OF THE LATE JOHN H. PAINE. *Chap. 85*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the widow of John H. Paine, late assistant register of probate and insolvency for the county of Suffolk, who died on the third day of April in the year eighteen hundred and ninety-three, the amount of salary to which he would have been entitled had he lived until the expiration of the year eighteen hundred and ninety-three. *Approved May 5, 1893.*

Widow of John
H. Paine.

RESOLVE PROVIDING FOR THE APPOINTMENT OF A COMMISSION TO EXAMINE AND REPORT UPON THE NORWEGIAN SYSTEM OF LICENSING THE SALE OF INTOXICATING LIQUORS. *Chap. 86*

Resolved, That the governor, by and with the advice and consent of the council, shall appoint three persons, to be known as the Norwegian System Commissioners, who shall hold their office for one year from the first day of May in the year eighteen hundred and ninety-three. Said commissioners shall investigate the Gothenburg and Norwegian systems of licensing the sale of intoxicating liquors, and shall make a report concerning the same to the next general court on or before the first Wednesday

Norwegian
system commis-
sioners.

of February in the year eighteen hundred and ninety-four, together with a draft of a bill to apply the same in this Commonwealth. Said commissioners shall serve without pay and shall incur no expense on behalf of the Commonwealth.

Approved May 10, 1893.

Chap. 87 RESOLVE RELATIVE TO THE BOUNDARY LINE BETWEEN THE COMMONWEALTH OF MASSACHUSETTS AND THE STATES OF NEW HAMPSHIRE AND VERMONT.

Boundary line
between Massa-
chusetts and
New Hampshire
and Vermont.

Resolved, That the commissioners appointed under the provisions of chapter seventy-three of the resolves of the year eighteen hundred and eighty-five as amended by chapter fifty-eight of the resolves of the year eighteen hundred and eighty-six, for the purpose of ascertaining and establishing the true jurisdictional line between this Commonwealth and the state of New Hampshire, be authorized, in conjunction with like commissioners to be appointed by the governors of the states of Vermont and New Hampshire, or either of them, to set and place a suitable monument indicating the southeast corner of the state of Vermont and the southwest corner of the state of New Hampshire, being also a part of the line between New Hampshire and Massachusetts, and also in conjunction with the said Vermont commissioners to set or reset, place or replace, where they shall deem it necessary, monuments indicating the boundary line between the state of Vermont and the Commonwealth of Massachusetts. Said commissioners are hereby authorized and empowered to employ a competent surveyor or civil engineer to aid them in accomplishing the purpose of this resolve; and the expense of setting or resetting, placing or replacing such necessary monuments shall be at the joint and equal charge of the several states acting in conjunction in the matter aforesaid. Said commissioners shall be paid by the Commonwealth such reasonable compensation for their services, and the amount of their actual travelling and other necessary expenses incurred in the discharge of their duties under this resolve, as the governor and council may approve. Said commissioners shall, as soon as their duties are performed, make a report of their doings and of their advice and recommendations to the governor and council, to be transmitted to the legislature, and shall cause the same to be duly filed and recorded in the office of the secretary of the Commonwealth. Any vacancy in the office

of such commissioner, by resignation or otherwise, may be filled by the appointment of a suitable person by the governor, with the advice and consent of the council.

Approved May 12, 1893.

RESOLVE RELATING TO THE WORLD'S COLUMBIAN EXPOSITION AT CHICAGO. *Chap. 88*

Resolved, That in order to enable the Commonwealth to be properly represented at the world's Columbian exposition at Chicago, Illinois, on the seventeenth day of June in the year eighteen hundred and ninety-three, which day shall be known as Massachusetts day, through the following officials of the state government, namely, his excellency the governor and ten members of his staff, the lieutenant governor and the executive council, the president of the senate and the speaker of the house, a special committee of eight members of the senate and twenty members of the house, to be appointed by the presiding officers of the two branches, the clerk of the senate and the clerk of the house, and the ex-governors of the Commonwealth; — and in order to enable his excellency the governor to entertain at a banquet, or in other appropriate manner, in his discretion, at Chicago on that day, such officials of the world's Columbian commission and of the world's Columbian exposition, and such other officials and dignitaries as he may invite to attend as guests of the Commonwealth, there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twelve thousand dollars, to be expended under the direction of the governor and council. Any vacancies occurring in said joint special committee may be filled by the presiding officer of the branch in the representation of which such vacancies occur. *Approved May 15, 1893.*

World's Columbian exposition.

RESOLVES PROVIDING FOR SUBMITTING TO THE PEOPLE THE ARTICLE OF AMENDMENT TO THE CONSTITUTION RELATIVE TO THE PAYMENT OF MILEAGE TO MEMBERS OF THE GENERAL COURT. *Chap. 89*

Resolved, That the following article of amendment to the constitution, having been agreed to by the last and present general courts, and published in the manner required by the constitution, be submitted to the people for their ratification and adoption: —

Amendment to the constitution.

ARTICLE OF AMENDMENT TO THE CONSTITUTION RELATIVE TO THE
PAYMENT OF MILEAGE TO MEMBERS OF THE GENERAL COURT.

Payment of
mileage to mem-
bers of the
general court.

So much of article two of section three of chapter one of the constitution of the Commonwealth as is contained in the following words: "The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave", is hereby annulled.

Vote upon
article of
amendment.

Resolved, That the people shall be assembled for the purpose aforesaid, in their respective polling places in the several cities and towns, in meetings to be legally warned, and held on Tuesday the seventh day of November next, at which meetings all persons qualified to vote for state officers may give in their votes by ballot for or against said article of amendment; and the same officers shall preside in said meetings as in meetings for the choice of state officers, and shall in open meetings receive, sort, count and declare the votes for and against the said article of amendment; and the said votes shall be recorded by the clerks of said cities and towns, and true returns thereof shall be made out under the hands of the mayor and aldermen, and of the selectmen, or a major part of them, and of the clerks of the said cities and towns, respectively, and sealed up, and within ten days after the said meetings, transmitted to the secretary of the Commonwealth. So far as the same can be made applicable, the provisions of law applicable to the election of state officers shall apply to the taking of the vote on said article of amendment.

Ballot.

Resolved, That every person qualified to vote as aforesaid may express his opinion on said article of amendment, and the following words shall be printed on the ballot, to wit: —

Shall the proposed amendment to the constitution relative to the payment of mileage to members of the general court be approved and ratified?

YES.	
NO.	

And if said article shall appear to be approved by a majority of the persons voting thereon, it shall be deemed and taken to be ratified and adopted by the people.

Returns of votes
to be examined,

Resolved, That his excellency the governor, and the

council, shall forthwith open and examine the votes returned as aforesaid; and if it shall appear that said article of amendment has been approved by a majority of the persons voting thereon, according to the votes returned and certified as aforesaid, the same shall be enrolled on parchment, and deposited in the secretary's office as a part of the constitution of the Commonwealth, and shall be published in immediate connection therewith, numbered according to its numerical position, with the articles of amendment of the constitution heretofore adopted, in all future editions of the laws of the Commonwealth printed by public authority.

result ascer-
tained, etc.

Resolved, That his excellency the governor be, and he hereby is, authorized and requested to issue his proclamation forthwith after the examination of the votes returned as aforesaid, reciting said article of amendment and announcing that said article has been duly adopted and ratified by the people of the Commonwealth, and thus becomes a part of the constitution thereof, and requiring all magistrates and officers and all citizens of the Commonwealth to take notice thereof and govern themselves accordingly, or that said article of amendment has been rejected, as the case may be.

Governor to
make proclama-
tion of result of
vote.

Resolved, That a printed copy of these resolves, including the said article of amendment, shall be transmitted as soon as may be by the secretary of the Commonwealth to the mayors and aldermen of the several cities and the selectmen of the several towns of the Commonwealth.

Copy to be
transmitted to
cities and towns.

Approved May 16, 1893.

RESOLVE RELATING TO THE PASSAMAQUODDY TRIBE OF INDIANS
IN THE STATE OF MAINE.

Chap. 90

Resolved, That the governor be and he is hereby requested to communicate with the governor of the state of Maine, with the view of ascertaining the relation of said state of Maine to the treaty obligations, if any exist, of this Commonwealth, with reference to the Passamaquoddy tribe of Indians in said state of Maine.

Passamaquoddy
tribe of Indians.

Approved May 16, 1893.

RESOLVES TO PROVIDE FOR A NEW NORMAL SCHOOL BUILDING AT
SALEM.

Chap. 91

Resolved, That the board of education is hereby authorized to purchase and receive grants of land in the city

New normal
school building
at Salem.

of Salem, in suitable quantity, in the name of the Commonwealth, for the site of a new normal school building for the use of the state normal school at Salem, and to erect on said site a new school building for the use of said school, and to furnish the same with necessary appurtenances and apparatus.

Expenditures.

Resolved, That the sum of two hundred thousand dollars may be expended by the board of education for the purposes hereinbefore mentioned: *provided*, that not over fifty thousand dollars of said amount shall be expended in the year eighteen hundred and ninety-three.

Disposal of old building, etc.

Resolved, That the board of education is hereby authorized to dispose of the present normal school building at Salem and the site whereon it stands, for a sum not less than twenty-five thousand dollars, the proceeds of said sale to be paid into the treasury of the Commonwealth and to be at the disposal of the board of education for the purposes of these resolves, in addition to the amount hereinbefore authorized.

Plans to be submitted to governor and council, etc.

Resolved, That no portion of the sums herein named shall be expended until plans shall have been submitted to the governor and council which will satisfy them that the expenditure herein authorized will not exceed the amounts stated in these resolves.

Approved May 17, 1893.

Chap. 92 RESOLVE PROVIDING FOR REPAIRS TO WORKSHOPS DAMAGED BY FIRE AT THE STATE PRISON.

State prison.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-five hundred dollars, to be expended under the direction of the commissioners of prisons, for repairing the workshops at the state prison at Boston, damaged by fire on the nineteenth day of April in the year eighteen hundred and ninety-three.

Approved May 17, 1893.

Chap. 93 RESOLVE TO PROVIDE A SYSTEM OF ELECTRIC LIGHTING FOR THE MASSACHUSETTS REFORMATORY.

Massachusetts reformatory.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twelve thousand dollars, to be expended under the direction of the commissioners of prisons, for the purpose of establishing a system of electric lighting for the Massachusetts reformatory at Concord.

Approved May 26, 1893.

RESOLVE PROVIDING FOR REPAIRS AND IMPROVEMENTS AT THE
 LYMAN SCHOOL FOR BOYS. *Chap. 94*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-three thousand five hundred dollars, to be expended at the Lyman school for boys at Westborough under the direction of the trustees thereof, for the following purposes: For building a new cottage for the use of said school, a sum not exceeding seventeen thousand dollars; for introducing a new system of sewerage, a sum not exceeding three thousand dollars; for electric lighting, a sum not exceeding twenty-five hundred dollars, and for finishing and furnishing the new bakery, a sum not exceeding one thousand dollars.

Lyman school
for boys.

Approved June 3, 1893.

RESOLVE PROVIDING FOR THE DISTRIBUTION OF A PORTION OF
 THE REPORT OF THE COMMISSION TO IMPROVE THE HIGHWAYS
 OF THE COMMONWEALTH. *Chap. 95*

Resolved, That any expense that may be incurred in the distribution of the report of the commission to improve the highways of the Commonwealth, under the direction of the secretary of the Commonwealth, as provided for in chapter forty-five of the resolves of the present year, may be paid from the unexpended balance of the appropriation authorized by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and ninety-two, for expenses of said commission.

Report of high
way commis-
sion.

Approved June 3, 1893.

RESOLVE PROVIDING FOR A PROPER REPRESENTATION OF THE
 COMMONWEALTH AT THE CONVENTION OF COMMISSIONERS OF
 FISHERIES AT CHICAGO. *Chap. 96*

Resolved, That, the United States commissioner of fisheries having called a convention of commissioners of fisheries of the various states to meet in the city of Chicago during the present year, in order to provide for the proper representation of this Commonwealth, the governor is hereby authorized to appoint the members of the board of commissioners of inland fisheries and game of this Commonwealth, as delegates to said convention. Each delegate so appointed shall be repaid from the treasury of the Commonwealth the amount of such reasonable

Convention of
commissioners
of fisheries.

travelling and other necessary expenses so incurred in the discharge of his official duty as the governor and council may approve, to be paid from the appropriation for incidental expenses of said commissioners, authorized by chapter sixty-four of the acts of the present year.

Approved June 3, 1893.

Chap. 97 RESOLVE PROVIDING FACILITIES FOR HEAVY ARTILLERY DRILL IN ARMORIES OF THE MILITIA.

Heavy artillery drill of militia.

Resolved, That there be allowed and paid from the treasury of the Commonwealth a sum not exceeding twenty-five hundred dollars, to be expended by the quartermaster general, under the direction of the governor and council, for the purpose of furnishing the necessary equipment for heavy artillery drill in the armory of the first regiment of infantry, Massachusetts volunteer militia.

Approved June 3, 1893.

Chap. 98 RESOLVE TO PROVIDE FOR STRAIGHTENING THE BOUNDARY LINE OF THE PREMISES OWNED BY THE STATE NORMAL SCHOOL AT FRAMINGHAM.

State normal school at Framingham.

Resolved, That the state board of education be and is hereby authorized to exchange a small parcel of land upon the northerly side of premises in Framingham, belonging to the state normal school, with the owner of the premises adjoining the same, for the purpose of straightening the dividing line; said exchange to be effected in such equitable manner as the board of education may determine and without expense to the Commonwealth.

Approved June 5, 1893.

Chap. 99 RESOLVE IN FAVOR OF THE MESSENGERS AND PAGES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Messengers, pages, etc.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, in addition to the sums now paid by law, the sum of one hundred dollars each to the doorkeepers, postmaster and messengers of the senate and house of representatives, the messenger and clerk of the document room, the messenger of the expenditure committee, the watchman and fireman of the sergeant-at-arms, the assistants to the clerks of the senate and house of representatives, and the two elevator men, and the sum of sixty-seven dollars to each page.

Approved June 5, 1893.

RESOLVE PROVIDING FOR REPAIRS AND IMPROVEMENTS AT THE
STATE INDUSTRIAL SCHOOL FOR GIRLS AT LANCASTER.

Chap.100

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding ten thousand five hundred dollars, to be expended by the trustees of the state primary and reform schools, for the purpose of improving and repairing the heating apparatus and providing fire escapes and additional sleeping rooms at the state industrial school for girls at Lancaster.

State industrial school for girls.

Approved June 5, 1893.

RESOLVE PROVIDING FOR THE EXAMINATION AND PREPARATION
FOR SALE OF CERTAIN USELESS SCHEDULES AND PAPERS IN THE
POSSESSION OF THE BUREAU OF STATISTICS OF LABOR.

Chap.101

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five hundred dollars, for the examination and preparation for sale, under the provisions of chapter forty-three of the acts of the year eighteen hundred and eighty-seven, of useless schedules and papers in the bureau of statistics of labor, to be expended under the direction of the chief of said bureau.

Bureau of statistics of labor.

Approved June 9, 1893.

RESOLVE PROVIDING FOR PRINTING THE REPORT OF THE COMMISSION APPOINTED TO INVESTIGATE THE EXISTING SYSTEMS OF
MANUAL TRAINING AND INDUSTRIAL EDUCATION.

Chap.102

Resolved, That there be electrotyped, printed and bound in cloth, twenty-five hundred copies of the report of the commission appointed to investigate the existing systems of manual training and industrial education, with plates and appendices, to be distributed as follows: To each member of the general court, two copies each; to each member of the executive departments for the year eighteen hundred and ninety-three, the clerks and assistant clerks of the two branches of the general court, and each reporter assigned a seat in either branch, one copy; to the state board of education, five hundred copies; to the state library, fifty copies; to the Massachusetts historical society and the New England historic genealogical society, one copy each; to each free public library in the Commonwealth which is open to the use of the city or town where it is situated, one copy; all of

Report of commission on manual training, etc.

which shall be distributed under the direction of the secretary of the Commonwealth. The remainder shall be placed in the office of said secretary to be distributed according to his discretion. *Approved June 9, 1893.*

Chap.103 RESOLVE TO CONFIRM THE ACTS OF FRANCIS W. QUA AS A JUSTICE OF THE PEACE.

Francis W. Qua,
justice of the
peace, acts con-
firmed.

Resolved, That all acts done by Francis W. Qua as justice of the peace, between the twenty-third day of September in the year eighteen hundred and ninety-two and the twenty-seventh day of May in the year eighteen hundred and ninety-three, inclusive, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office. *Approved June 9, 1893.*

Chap.104 RESOLVE PROVIDING FOR FINISHING THE EXTENSION OF THE NORTH WING AT THE STATE PRISON.

State prison.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirteen thousand five hundred dollars, to be expended by the commissioners of prisons, under the direction of the governor and council, in completing the extension of the north wing of the state prison in Boston, being in addition to the amount authorized by chapter fifty-five of the resolves of the year eighteen hundred and ninety.

Approved June 9, 1893.

Chap.105 RESOLVE PROVIDING FOR AN EXAMINATION AND DEFINITION, BY THE BOARD OF HARBOR AND LAND COMMISSIONERS, OF THE BOUNDARY LINE ON TIDE WATER BETWEEN THE TOWNS OF MASHPEE AND BARNSTABLE.

Boundary line
between Mash-
pee and Barn-
stable.

Resolved, That the board of harbor and land commissioners be directed to examine and define the boundary line on tide water between the towns of Mashpee and Barnstable and report thereon to the next general court.

Approved June 9, 1893.

Chap.106 RESOLVE IN FAVOR OF SUMNER D. SEAVEY.

Sumner D.
Seavey.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Sumner D. Seavey of Boston, the sum of three thousand dollars, for injuries received by him while in the discharge of his duties as a

watchman at the state prison in Boston; and that there be paid to him for the time he has been or may be prevented by said injuries from discharging his duties as an officer at the state prison, during the year eighteen hundred and ninety-three, the same salary to which he would be entitled if in the actual performance of his duties for such time.

Approved June 9, 1893.

RESOLVE PROVIDING FOR CERTAIN EQUIPMENT, BUILDINGS, INSURANCE AND REPAIRS AT THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Chap.107

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirty-eight thousand eight hundred dollars, to be expended under the direction of the trustees of the Massachusetts agricultural college, for the following purposes: One thousand two hundred dollars for additional accommodations in the chemical department; one thousand eight hundred dollars to provide for disposal of sewage; three hundred dollars to renew the insurance on collections contained therein which have been loaned; eight thousand five hundred dollars for building and equipping a dairy school; one thousand five hundred dollars for moving, repairing and refitting the farmhouse; twenty-five thousand dollars for a storage barn, cow barn, sheep and hog barn, horse barn, implement storage barn and other necessary buildings; and five hundred dollars for a new floor in the drill hall: *provided, however*, that not more than fifteen thousand dollars shall be expended during the present year.

Massachusetts
agricultural
college.

Approved June 9, 1893.

RESOLVE TO PROVIDE FOR THE CODIFICATION OF CERTAIN STATUTES WHICH THE INSPECTION DEPARTMENT OF THE DISTRICT POLICE IS REQUIRED TO ENFORCE.

Chap.108

Resolved, That the attorney-general cause to be codified, consolidated and arranged all laws now in force relating to the regulation of the hours of labor in manufacturing and mechanical establishments, the attendance of children in schools, the inspection of factories, workshops and public buildings, and all laws which it is the duty of the members of the inspection department of the district police to enforce. Such codification, consolidation and arrangement shall be reported to the next general court on or before the second Wednesday in January next.

Codification of
laws, etc., in-
spection depart-
ment, district
police.

There shall be allowed and paid out of the treasury of the Commonwealth, in order to carry out the provisions of this act, such sums as the governor and council may approve and allow.

Approved June 9, 1893.

Chap.109

Battleship
Massachusetts.

RESOLVE RELATIVE TO THE BATTLESHIP MASSACHUSETTS.

Resolved, That the governor and council be requested and authorized to select and present to the government of the United States a suitable and appropriate gift to be placed in the battleship Massachusetts, now in process of construction, in recognition of the honor paid the Commonwealth in the selection of the name of said battleship; and they are hereby authorized to expend a sum not exceeding one thousand dollars for said purpose.

Approved June 9, 1893.

Chap.110

Widow of
Robert I. Bur-
bank.

RESOLVE IN FAVOR OF THE WIDOW OF THE LATE ROBERT I. BURBANK.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the widow of Robert I. Burbank, late justice of the municipal court, South Boston district, who died on the sixth day of May, eighteen hundred and ninety-three, the sum of sixteen hundred thirty-six dollars, being the amount of salary which the said Robert I. Burbank would have been entitled to receive had he lived until the thirty-first day of December in the year eighteen hundred and ninety-three.

Approved June 9, 1893.

Chap.111

World's Colum-
bian exposition.

RESOLVE IN ADDITION TO THE RESOLVE RELATING TO THE WORLD'S COLUMBIAN EXPOSITION AT CHICAGO.

Resolved, That the sergeant-at-arms be included among the state officials to represent the state government at Chicago on the seventeenth day of June in the year eighteen hundred and ninety-three, as provided for by chapter eighty-eight of the resolves of the present year.

Approved June 9, 1893.

Chap.112

Transfer of
fruit, etc.,
between certain
railroads.

RESOLVE PROVIDING FOR A CONNECTION FOR THE TRANSFER OF FRUIT AND PERISHABLE FREIGHT BETWEEN THE TRACKS OF THE NEW YORK AND NEW ENGLAND RAILROAD COMPANY AND THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

Resolved, That the board of railroad commissioners is hereby instructed to proceed either upon the agreement

of the New York and New England Railroad Company and the New York, New Haven and Hartford Railroad Company, or upon such hearing as said board shall order, and determine at what point if any in this Commonwealth fruit and other perishable freight shall be diverted from the tracks of the New York, New Haven and Hartford Railroad Company to those of the New York and New England Railroad Company for speedy delivery in Boston at the freight yards of the latter company; also the manner, extent and terms in, to, and upon which such diversion and provision therefor by means of the construction of junction or connecting tracks shall be made, and the time for which the arrangement therefor shall continue, and to prescribe compensation for and the terms and conditions upon which the business thus diverted shall be done by the two companies. Such determination shall be made by the commissioners within ten days from the passage of this resolve, and upon failure of said companies, or either of them, to at once comply therewith, the supreme judicial court, or any justice thereof, upon petition of either of said companies, or of any person, firm or corporation interested in such freight, shall have jurisdiction in equity to compel such compliance and to issue and enforce any decrees and orders to that end.

Approved June 9, 1893.

RESOLVE PROVIDING THAT THE COMMISSIONERS APPOINTED TO INVESTIGATE THE BURDENS IMPOSED ON THE COMMONWEALTH BY THE MIGRATION OF PAUPERS AND CRIMINALS REPORT TO THE NEXT GENERAL COURT.

Chap. 113

Resolved, That the commissioners appointed under chapter ninety-one of the resolves of the year eighteen hundred and ninety-two, providing for an investigation of the burdens imposed on the Commonwealth by the migration of dependent persons, paupers and criminals from other states, are authorized to report the result of their investigations, as may seem best to them, to the next general court, and that authority is given to apply so much of the unexpended balance of the appropriation of one thousand dollars authorized to be expended under the provisions of said chapter ninety-one, as may be required for the purposes of the investigation and report.

Report of commissioners on migration of paupers, etc.

Approved June 10, 1893.

PROPOSED AMENDMENT TO THE CONSTITUTION.

The following proposed article of amendment to the Constitution has been officially certified and deposited in the office of the secretary of the Commonwealth, as required by section 32 of chapter 2 of the Public Statutes, and if agreed to by the general court next to be chosen, in the manner provided by the Constitution, must be submitted to the people for their ratification or rejection:—

RESOLVE PROVIDING FOR AN AMENDMENT TO THE CONSTITUTION
RELATIVE TO COMMISSIONERS OF INSOLVENCY.

Proposed
amendment to
the Constitu-
tion.

Resolved, That it is expedient to alter the Constitution of the Commonwealth by the adoption of the subjoined article of amendment; and that the said article, being agreed to by a majority of the senators and two thirds of the members of the house of representatives present and voting thereon, be entered on the journals of both houses, with the yeas and nays taken thereon, and referred to the general court next to be chosen; and that the said article be published, to the end that if agreed to in the manner provided by the Constitution, by the general court next to be chosen, it may be submitted to the people for their approval and ratification, in order that it may become a part of the Constitution of the Commonwealth.

ARTICLE OF AMENDMENT.

Commissioners
of insolvency.

So much of article nineteen of the articles of amendment to the Constitution of the Commonwealth as is contained in the following words “commissioners of insolvency”, is hereby annulled.

HOUSE OF REPRESENTATIVES, March 29, 1893.

The foregoing article of amendment is agreed to, two thirds of the members of the house of representatives present and voting thereon having voted in the affirmative; and the same is referred to the general court next to be chosen.

WILLIAM E. BARRETT, *Speaker*.

SENATE, April 7, 1893.

The foregoing article of amendment is agreed to, a majority of the senators present and voting thereon having voted in the affirmative; and the same is referred in concurrence to the general court next to be chosen.

ALFRED S. PINKERTON, *President*.

RESOLUTIONS.

ON THE DEATH OF EX-PRESIDENT RUTHERFORD B. HAYES.

Whereas, The house of representatives of the Commonwealth of Massachusetts has learned with great sorrow and regret of the death of Rutherford B. Hayes, ex-president of the United States, whose term of office filled the first four years of the second century of the republic, and whose distinguished services both on the field and in the state entitled him to the nation's most heartfelt consideration as a soldier and citizen; therefore,

Ex-president
Rutherford B.
Hayes.

Resolved, That in the decease of Ex-president Hayes, the country suffers an irreparable loss, another link binding us to the days of rebellion and reconstruction being severed.

Resolved, That his services as a soldier, winning as they did the highest encomiums from his superiors and deserved promotion from the government, and his career as a scholar and a statesman, and his universally commended conciliatory course towards the lately rebellious states during his presidency, demand from all citizens the highest tokens of esteem and admiration.

Resolved, That the house of representatives tender to the bereaved family its sincere sympathy.

Resolved, That a copy of these resolutions be spread upon the records of the house of representatives, and that a copy be forwarded to his family.

In House of Representatives, adopted January 20, 1893.

RESOLUTIONS ON THE DEATH OF BENJAMIN F. BUTLER, EX-GOVERNOR OF THE COMMONWEALTH.

Resolved, That the general court of the Commonwealth of Massachusetts has heard with profound emotion of the death of General Benjamin Franklin Butler, formerly governor of this Commonwealth. In the fulness of years,

Ex-governor
Benjamin F.
Butler.

yet in the midst of active labor, his great intellectual power and vigor unabated, still in his mental prime, yet with but few survivors of his own day and generation, he has suddenly laid down his burden and passed away.

Resolved, That the general court recognizes and gratefully appreciates the value of his devoted services to the Commonwealth in its house of representatives, in its senate, in the congress of the United States and in the governor's chair. It recognizes—and the state ought to remember—his never tiring interest and enthusiasm in her volunteer militia, and his service in it in every position from the lowest to the highest. Valuable and worthy of the highest commendation as was his service in time of peace, it is far overshadowed by his services as brigadier general and major general in the union army. His grateful fellow citizens will ever remember him as among the first to foresee and the first to answer the call to arms, as most indefatigable and successful in rousing the patriotic fervor of the people, in uniting and enlisting them in the union cause, and as showing, from the first gathering of the war cloud till its final dispersion, an unflinching, dauntless courage and a patriotic faith which never faltered.

Resolved, That the general court hereby extends an expression of its sincere sympathy to his family in their sorrow, and directs that a copy of these resolutions be sent to them.

Adopted in joint convention January 26, 1893.

RESOLUTIONS ON THE DEATH OF RUTHERFORD B. HAYES.

Whereas, It has pleased Divine Providence to remove by death the Honorable Rutherford B. Hayes, late president of this nation; therefore

Resolved, That the senate of the Commonwealth of Massachusetts desires to attest its appreciation of his faithful and patriotic service to his country, his brilliant record as a soldier in defence of the union, his intense loyalty, and his wise administration of home and foreign affairs.

Resolved, That the senate recognizes his strong and dignified yet modest and retiring character. He was a man of liberal intelligence and careful judgment, accessible to all; and his administration was marked by high motive and conservative business method.

Ex-president
Rutherford B.
Hayes.

Resolved, That a copy of these resolutions be sent to his bereaved family.

In Senate, adopted January 30, 1893.

RESOLUTION CONCERNING THE SEAT OF THE REPRESENTATIVE FOR
THE FIFTH ESSEX DISTRICT.

Resolved, That in the election held on the eighth day of November last, John Haigh of Lawrence was duly elected a representative to the general court from the fifth Essex district, and that he is as such entitled to a seat in this house.

Election of John
Haigh of Law-
rence.

In House of Representatives, adopted February 15, 1893.

RESOLUTION ON THE DEATH OF THE HONORABLE JAMES G. BLAINE.

The announcement of the death of James G. Blaine, at the time a private citizen, but for many years prominent in the councils of state and nation, has touched the hearts of the American people, who for a generation have looked to him for the expression and support of broad principles of statesmanship, calculated to secure our strength in foreign relations, prosperity and domestic good feeling at home. Outspoken and courageous, a man of original conceptions and power of execution, he has been peculiarly admired by the masses of our people, regardless of political lines. As a fitting part of the general expressions of regret and grief at his death, not paralleled in this generation, in the case of a private citizen, and in accordance with the feeling of the people of the Commonwealth:—

Honorable
James G.
Blaine.

Be it hereby Resolved, by the Senate and House of Representatives in General Court assembled:

That in the death of James G. Blaine the nation has lost a statesman of long and brilliant service, who filled many posts of high responsibility not only with devotion to the public interest, but with a constant appreciation of the widening demands upon our statesmanship made necessary by the greater position which the United States must assume in the affairs of the world. Not trained in arms or crowned with military honors, his career has demonstrated how much can be done by peaceful means to extend our influence and prestige to the advantage of all our domestic interests. An ardent partisan, he dem-

onstrated amidst the responsibilities of official position that fairness and liberality which makes men of all political beliefs unite in paying honest tribute to his memory.

In fitting expression thereof, a copy of this preamble and resolution is directed to be spread upon the journal of each house and one sent to the family of the deceased, to whom, in the midst of multiplied sorrow, the sympathy of the people of the Commonwealth is respectfully tendered.

In Senate, adopted February 2, 1893.

In House of Representatives, adopted in concurrence, February 23, 1893.

RESOLUTIONS RELATIVE TO THE ANNEXATION OF THE HAWAIIAN ISLANDS.

Annexation of
the Hawaiian
Islands.

Resolved, That it is the sense of this general court that it is expedient that the Hawaiian Islands should be annexed to the United States, and that the interests of the United States, commercially and strategically, will be promoted thereby.

Resolved, That copies of this resolution be sent to the presiding officers of both branches of congress, and also to the senators and representatives in congress from this Commonwealth.

In House of Representatives, adopted February 13, 1893.

In Senate, adopted in concurrence, March 2, 1893.

RESOLUTION CONCERNING PORTRAITS OF FORMER GOVERNORS OF THE COMMONWEALTH.

Portraits of
former gov-
ernors of the
Commonwealth.

Resolved, That the thanks of the Commonwealth be tendered Mrs. Sarah Parker Clifford of New Bedford for her gift to the state of a portrait of Governor John W. Clifford.

And to Jean Paul Selinger for his gift to the state of a portrait of Governor Henry J. Gardner.

And that said portraits, with other portraits of former governors which may hereafter be received, be hung in such places in the state house as the governor may direct.

In House of Representatives, adopted March 17, 1893.

In Senate, adopted in concurrence, March 22, 1893.

RESOLUTION RELATIVE TO THE ESTABLISHMENT OF A GOVERNMENT
TELEGRAPH AND TELEPHONE SERVICE.

Resolved, That, whereas, the telegraph service of this country has become a burdensome monopoly, under which charges are exacted from the public far exceeding the rates for like service in countries favored with government lines ; and whereas, upon the expiration of the telephonic patents now soon to occur a similar monopoly in the transmission of intelligence by telephone is likely to be established, as grievous to the people as that of the telegraph : therefore, the senate and house of representatives of the Commonwealth of Massachusetts in general court assembled request the senators and representatives of said Commonwealth in congress to make all reasonable efforts to secure the establishment by the United States of America of a government telegraph and telephone service for the use and benefit of its citizens, under civil service rules.

Government
telegraph and
telephone ser-
vice.

In Senate, adopted March 31, 1893.

In House of Representatives, adopted in concurrence, April 4, 1893.

RESOLUTIONS TENDERING THE THANKS OF THE COMMONWEALTH TO
EDWARD A. MOSELEY.

Resolved, That the senate and house of representatives in general court assembled, appreciating the valuable services rendered the cause of humanity by Edward A. Moseley of Newburyport by his untiring and efficient efforts to secure greater safety to railroad employees, hereby tender the thanks of the Commonwealth to him for his sincere and disinterested labors to secure the passage of the law requiring railroads engaged in interstate commerce to equip their freight cars with automatic couplers.

Edward A.
Moseley.

Resolved, That a copy of these resolutions, suitably engrossed and signed by the president and clerk of the senate, and the speaker and clerk of the house of representatives, be forwarded to Mr. Moseley.

In Senate, adopted April 4, 1893.

In House of Representatives, adopted in concurrence, April 10, 1893.

RESOLUTIONS RELATIVE TO NATIONAL LEGISLATION REGULATING
THE HOURS OF LABOR OF WOMEN AND MINORS IN TEXTILE MAN-
UFACTURING ESTABLISHMENTS.

Hours of labor
of women and
minors in tex-
tile manufactur-
ing establish-
ments.

Whereas, The present want of uniformity in the laws of the several states relative to the hours of labor of persons employed in manufacturing establishments, is highly detrimental to the manufacturing interest in those states where the restrictions upon the hours of labor are the greatest, rendering it impossible to compete upon equal terms with manufacturers in other states, where longer hours of labor are permitted ;

Resolved, That our senators and representatives in congress are hereby requested to use their influence to obtain the passage of a national law regulating the hours of labor of women and minors throughout the United States by a standard which shall be uniform in all textile manufacturing establishments.

Resolved, That a copy of these resolutions be transmitted to each of the senators and representatives from this Commonwealth in the congress of the United States.

In House of Representatives, adopted April 27, 1893.

In Senate, adopted in concurrence, May 3, 1893.

RESOLUTION CONCERNING THE EXTERMINATION OF THE GYPSY
MOTH.

Extermination
of the gypsy
moth.

Whereas, The oceria dispar or gypsy moth, an insect pest, has found a lodgment in this Commonwealth ; and careful and persistent work is necessary to prevent its spread over other territory of the United States ; and this Commonwealth has appropriated and expended under the direction of the state board of agriculture, large sums in the work of exterminating said pest ; and said board believes that the sum of one hundred thousand dollars, appropriated for the year ending on the first day of March in the year eighteen hundred and ninety-four, is insufficient to complete the extermination of said pest ;

Resolved, That the senate and house of representatives of the Commonwealth of Massachusetts in general court assembled, request the senators and representatives from this Commonwealth in the congress of the United States to urge upon congress the necessity of prompt and vigorous action to exterminate said pest, and to use their influence

to secure from congress an appropriation of one hundred thousand dollars to assist this Commonwealth in defraying the necessary expenses of the work.

In Senate, adopted May 16, 1893.

In House of Representatives, adopted in concurrence, May 19, 1893.

RESOLUTIONS RELATIVE TO THE CHINESE EXCLUSION ACT.

Whereas, The act of congress known as the Geary Law, Chinese exclusion act. an act to prohibit the coming of Chinese persons into the United States, approved on the fifth day of May in the year eighteen hundred and ninety-two, has been declared constitutional by a majority of the supreme court of the United States :

Resolved, That our congressmen and senators be requested to use their influence for the amendment of said law so that it shall work no undue hardship to Chinese citizens resident in the United States.

Resolved, That a copy of these resolutions, properly attested, be transmitted by the secretary of the Commonwealth to the senators and representatives in congress from this Commonwealth.

In House of Representatives, adopted May 31, 1893.

In Senate, adopted in concurrence, June 2, 1893.

The general court of 1893, during its annual session, passed 479 acts and 113 resolves which received the approval of his excellency the governor. In addition to these, two acts (Chaps. 268 and 334) were laid before the governor and failed to receive his approval, but as they were not returned by him with his objections thereto, within five days after receiving the same, the general court not having adjourned in the meantime, said acts had "the force of a law," under the provisions of the Constitution governing such cases, and have been so certified.

Two acts entitled respectively, "An Act relative to persons employed in the Fire Department of the City of Boston", and "An Act to incorporate the town of East Longmeadow" were passed and laid before the governor for his approval and were returned by him, with his objections thereto, to the branch in which they respectively originated; were reconsidered, agreeably to the provisions of the Constitution, and the vote being taken on passing the same, the objections of the governor thereto notwithstanding, they were rejected, two thirds of the members present and voting thereon not having voted in the affirmative.

The general court was prorogued on Saturday, June 10, at 6.05 A.M. the session having occupied one hundred and fifty-eight days.

INAUGURAL ADDRESS

OF

HIS EXCELLENCY WILLIAM E. RUSSELL.

At twelve o'clock on Thursday, the fifth day of January, his excellency the governor, accompanied by his honor the lieutenant governor, the members of the executive council, and officers of the civil and military departments of the government, attended by a joint committee of the two houses, met the senate and house of representatives, in convention, and delivered the following :—

ADDRESS.

Gentlemen of the senate and house of representatives :

As I enter upon the duties of governor for the third time, I gratefully express to the people of the Commonwealth my appreciation of their renewed confidence, and of the honor, dignity and responsibility of the trust they have committed to my charge. We all are their servants to do their work, and should be ready and anxious faithfully to discharge our obligation to them by unselfish devotion to their interests.

In accordance with well-established custom, it is my duty at this time to submit to you suggestions and recommendations for your consideration and action. This duty I construe to be a privilege to deal with broader matters than the specific recommendations of departments, however important these may be ; and to suggest principles of legislation and necessary reforms, rather than perfunctorily to endorse or transmit details of administration, all of which are ably and fully set forth in the reports of state officials made directly to you.

Acting upon this view, it was my privilege in addressing the legislature of 1891 to recommend important and fundamental reforms in reference to qualifications for the suffrage, protection of elections and legislation from improper influences, relief from special legislation, greater system and responsibility in administration and other matters, — all to the end that law might ever be the free, true expression of the people's will, and its administration just, pure and honest. In 1892, in my inaugural address and in special messages, I directed the attention of the legislature to the executive branch of our government, to the great increase of its duties, the lack of uniformity or system in its organization, and its entire absence of responsibility; and I urged such changes as would create complete responsibility to the people and would remedy these evils.

Some of these recommendations of the past two years have become law. The abolition of a property qualification for the office of governor has followed the abolition of a tax qualification for the suffrage, and neither restriction, I am glad to say, has any longer a place in the constitution of our free Commonwealth. Wise laws to guard the purity of elections and of legislation have been passed, but more stringent measures are necessary to accomplish the desired reforms. The use of money in large amounts for campaign purposes without restriction is still a public evil; and the lobby, if not as notorious and scandalous as in the past, still exists as a malignant influence, tainting legislation with its corrupting touch. I recommend legislation to define the objects of expenditure for campaign purposes, and so restrict its amount; and the most stringent treatment by law, on the lines heretofore suggested by me, of the evil of the lobby, so as to obviate its necessity, take away its opportunity, and give publicity to its acts. I also commend to your consideration the justice of giving the same recognition upon the official ballot to any well-established and regularly organized political party as is now given to the leading political parties; and the expediency of repealing the law permitting a recount of ballots. In my judgment, such recount is open to more serious objections and dangers than to make the count at the polls final, as is done generally in other states. If the recount is abolished, every effort should be made by legislation to ensure the absolute accuracy

and fairness of the original count. Other recommendations heretofore made, and not necessary here to enumerate, have been considered and approved by your predecessors. There are still others of importance not yet adopted, which I again submit to your careful and early attention. Of these, I believe the most important is the reform of the existing machinery for the discharge of executive duties, — machinery now without system, and destructive of that executive responsibility and supervision which the constitution devolves upon the governor, and for the proper exercise of which it meant to make him at all times amenable to the people. I have heretofore so fully considered this subject, and stated the facts and arguments upon which I based an earnest recommendation for radical changes, that I need now but briefly refer to them.

With the exception of a few elected officers, the administrative work of the Commonwealth is in the hands of boards and commissions composed of hundreds of members. In their creation no fixed principle of appointment, tenure or removal has been followed, and no uniformity in these respects exists. Some are unnecessary, and should be abolished; others should be systematized into proper departments, or made subordinate to existing departments. Over many there is no power of removal, and so of control, in any authority. So far as this power is given to the chief executive, its use almost without exception requires the concurrence of an executive council of nine, which concurrence, as experience shows, practically involves a trial of an official upon formal charges; so that administration is largely beyond the control of the people, because not subject to any officer immediately responsible to them. Another year's experience has only shown more clearly the danger, friction and irresponsibility of our present system; the absence of proper power in the governor, and so of responsible control in the people. Another year of public discussion of this important state question, with past experience as an object lesson, has, on a direct appeal to the people, shown distinctly, I believe, their dissatisfaction and demand for a change. They mean that the executive head of the Commonwealth, their servant, shall be in fact as in name the supreme executive magistrate, always and solely responsible to them, and that he shall have all the powers com-

mensurate with such responsibility. They repudiate a system which devolves executive duties, for which he is and ought to be held responsible, upon bodies over which he has little or no control or influence.

The question of continuing in our executive system an elected council, which exists in but three of our forty-four states, and here has become the subject of serious criticism and opposition, I submit to your consideration. Its constitutional power is not important, and could well be exercised by other existing bodies. The power given it by legislation to control, concurrently with the governor, some executive boards and departments, is, in its exercise, either perfunctory, and so unimportant, or, if independent, necessarily divides responsibility, and so becomes inconsistent with any sound system of executive management. There are no such peculiar conditions of executive work in this Commonwealth as to require the continued existence of this now anomalous institution. If, however, its power were properly limited to its constitutional duties, it might perhaps remain as a harmless concession to a conservative, antiquarian sentiment. I again renew the suggestions and recommendations I have heretofore made upon this general subject: *first*, that certain unnecessary offices and commissions be abolished; *second*, that proper steps be taken to simplify and systematize the machinery for administrative work; *third*, that administration be placed upon a basis of full responsibility to the people, by vesting in the governor alone the power to remove, for cause stated, any executive officer appointed by him. I also renew the recommendation thrice made by my experienced predecessor, governor Long, that the people be given an opportunity to express their opinion upon the need of an elected executive council, by submission to them of a constitutional amendment providing for its abolition. To these suggestions I urge your careful attention, trusting that you will take such wise and patriotic action as will promote efficiency and responsibility in the discharge of executive duty.

STATE PRISON.

In this connection, and at the risk of tedious repetition, I submit for the third time to the consideration of the legislature the immediate necessity of a change in our

system of prison control. The management of the state prison has for years attracted the attention and criticism of the public. While I believe that under its present administration there has been improvement in the conduct and discipline of the prison, notwithstanding the serious disadvantages of its crowded condition, and the confusion arising from new construction, yet its management, in my judgment, cannot be entirely successful without important changes in the system. The first requisite for a proper system is power with responsibility, and this at present is lacking. The warden has no power over his principal subordinates, except with the concurrence of the board of prison commissioners. They have no power whatever over him, and the governor little, if any, over them. The chain of effective responsibility, from the humblest officer up to the people, is broken at every link. I again recommend that the warden be given control of his subordinate officers, the board of prison commissioners control of him, and the governor control of them. The advantage of such a change, as stated by me nearly two years ago in a special message, will be to "establish a system of prison management which gives to each official the power proper and necessary for the discharge of his duty, and to concentrate responsibility where it properly belongs. Under such a system, if there is lack of discipline, insubordination or mismanagement at the prison, the subordinate officers are answerable for it to the warden, who has the power and responsibility of correcting the trouble. For the proper exercise of his power the warden is answerable to the prison commissioners, they to the governor, and the governor to the people of the Commonwealth." I again dwell upon this subject, not merely because it is one of many illustrations which might be given of the inefficiency and irresponsibility of our general system of administration, but also because in this instance, as the evil may lead to serious consequences, its correction is of pressing importance. The people should know the cause of the trouble, that they may place the responsibility for its continuance where it properly belongs.

RIGHT OF LOCAL SELF-GOVERNMENT IN TOWN AND CITY.

The right of self-government is an axiom of our political system. Wherever this right can be exercised directly by the people themselves, such exercise should be carefully conserved. Where representation of the people is necessary, the representative should be directly and immediately responsible to them. In recognition of this principle, I have urged that greater executive power and responsibility be placed upon the governor, not to establish but to prevent autocratic rule, by giving to the people themselves, through their immediate representative, full control of their own affairs. In further recognition of this principle, and of the steadfast devotion of our people to home rule, as seen in the formation and history of our Commonwealth, I earnestly recommend that whenever and wherever possible the right of local self-government shall be left in or restored to her respective cities and towns.

The concise compact in the cabin of the "Mayflower," creating "a civil body politick," made Plymouth a fully equipped republic. As the population grew, the little bands of people pressed further into the wilderness, each under the lead of its clergyman; and, clustering around its meeting-house and schoolhouse, formed in every settlement a self-supporting, self-governing community. The puritans followed this example, and so, with the cordial approval and God speed of the general court, Massachusetts grew by what one of her most distinguished lawyers happily called a "cellular formation." She grew from her towns quite as much as they from her. In his great work upon "The American Commonwealth," professor Bryce says: "Each such settlement was called a town or township, and was in fact a miniature Commonwealth, exercising a practical sovereignty over the property and persons of its members, — for there was as yet no state, and the distant home government scarcely cared to interfere, — but exercising it on thoroughly democratic principles. . . . And though presently . . . the legislature and governor, first of the whole colony, and, after 1776, of the state, began to exert their superior authority, the towns . . . held their ground, and are to this day the true units of political life in New England, the

solid foundation of that well-compacted structure of self-government which European philosophers have admired, and the new states of the West have sought to reproduce." *

This right of local self-government, jealously asserted by the towns, was ever cheerfully recognized by the state. To the present day, in the establishment of a town government the legislature uses almost these identical words of the old colonial statutes, — "and that the same town be and hereby is vested with all the powers, privileges and immunities that any other of the towns in this province do or may by law exercise and enjoy." All towns are placed upon an equality based upon the right of home rule. Legislative interference with an individual town is a discrimination, and manifestly places such town upon an unequal footing; and just to the extent of such interference is she controlled by her sister towns. If a town desires proper local regulation, she should have the power to make it; if she does not, the other towns, through united action in the legislature, should not force it upon her, independent of a general policy established by general law.

While the constitution of 1780 gives the legislature power broad enough to control municipalities and their local concerns, it is evident throughout its provisions that the framers regarded the towns as the aggregate constituting the Commonwealth, and assumed that the town right, like the individual right, would be impaired only under circumstances of gravest necessity. The Bill of Rights secures to the people "the sole and exclusive right of governing themselves," and, with the constitution, recognizes the town as the existing unit of self-government. In 1820, by amendment to the constitution, authority was given to the general court to erect and constitute city governments in towns containing twelve thousand inhabitants, but only with the consent and upon the application of a majority thereof. This amendment was necessary in view of the growth of Boston (then having nearly forty thousand inhabitants), which made the continuance of the town system of legislation and administration impracticable and inefficient. Boston, therefore, though with much reluctance and considerable opposition, by the acceptance

* Vol. I., p. 562.

of a city charter substituted local representative self-government for the democracy of the town meeting. The change was only one of the form of local self-government. It did not alter the relation of the city to the Commonwealth. The legislature delegated none of its powers to the city, and the city gave to the legislature no greater control over the municipality. The delegation of power was by her citizens and to the city, not to the state. So the first section of the city charter provided that "The inhabitants of the town of Boston for all purposes for which towns are by law incorporated in this Commonwealth shall continue to be one body politic in fact and name, . . . and as such shall ever exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and appertaining to the said town."

Decisions of our highest court have repeatedly held that this change from town to city government was only one of form and organization of the municipality, and did not affect the extent of legislative control. Chief justice Shaw, who is understood to have drafted the city charter of Boston, speaking in the constitutional convention of 1820 of city as distinguished from town government, declared that "he disclaimed all idea of claiming powers or privileges for one class of citizens which were not equally extended to another, but an act of incorporation is equally enjoyed by all the towns in the Commonwealth. . . . Every town is to all substantial purposes a city. They are towns corporate, having the power of choosing their own officers and sending members to the general court, with jurisdiction over all their local and prudential concerns, such as the support of schools and highways, the relief of the poor, the superintendence of licensed houses, and other matters of local police. They have the power of making by-laws and assessing and collecting taxes. They possess all the powers and privileges of municipal corporations in Great Britain or in this country." This language was quoted with approval by chief justice Gray in the elaborate opinion in the case of *Hill v. Boston*, 122 Mass. 355.

Until recent years this division of government, under which the general court controlled the general concerns of the people, and left to each city or town control of its local concerns, was with us universally recognized and re-

spected, and received the commendation of statesmen, historians and thinkers. Thomas Jefferson, when studying the best form of government for his native state, turned to New England and said: "Those wards called townships in New England are the vital principle of their governments, and have proved themselves the wisest invention ever devised by the wit of man for the perfect exercise of self-government and for its preservation." John Adams, the framer of our constitution, enumerated "the towns, militia, schools and churches as the four causes of the growth and defence of New England," and as the place where "the virtues and talents of the people are formed." The great French student of our institutions, De Tocqueville, writes: "The townships are only subordinate to the state in those interests which I shall term social, as they are common to all the citizens. They are independent in all that concerns themselves, and among the inhabitants of New England, I believe that not a man is to be found who would acknowledge that the state has any right to interfere in their local interests." Again he says: "Municipal institutions are to liberty what primary schools are to science; they bring it within reach; they teach men how to use and how to enjoy it. A nation may establish a system of free government, but without the spirit of municipal institutions it cannot have the spirit of liberty." Professor Bryce describes the town meeting as "the most perfect school of self-government in any modern country." John Fiske, in his "Civil Government in the United States," declares it to be "the form of government most effectively under watch and control." Dr. Palfrey in his history insists that nothing "has had more influence on the condition and the character of the people through the eight generations of their history." Judge Cooley, the learned writer upon "Constitutional Limitations," speaks of it as "almost a part of the very nature of the race to which we belong." In Elliott's "New England" it is said that "The prime strength of New England and of the whole republic was and is in the municipal governments and in the homes." It would be easy to multiply such authorities. No thoughtful student or reader of our history has questioned the value of municipal self-government, or the necessity of maintaining it in its full integrity.

I have called your attention to this familiar principle upon which our system of government was founded and has most successfully developed, and the universal commendation of it by jurist, historian and statesman, because in recent years a tendency has been developed to violate the principle by impairing the right of local self-government, especially in the largest city of the Commonwealth. The belief is held by some of our citizens that if municipal machinery seems for the moment to be out of gear, the proper remedy is not to appeal to their fellow-citizens to repair it, but to the legislature to take control of it. But state assumption of municipal functions cannot be as wholesome, just or effective as self-correction of municipal abuses; and the latter is certain, unless our people have lost the capacity and desire for good government and self-government.

While other instances might be given, some of which occasioned vetoes of bills passed by your immediate predecessors, the most striking illustration of this tendency and the most flagrant violation of this fundamental right are found in the law of 1885, which took into the keeping of the Commonwealth the control of the police of Boston. Against the wish of a great majority of her citizens and the protest of most of her representatives in the legislature, other members, representing constituencies under no pecuniary responsibility for its support and no moral responsibility for its efficiency, placed the police force of Boston in the hands of state commissioners, and authorized them by requisition to compel that city to raise by taxation whatever sum in their sovereign judgment was necessary. Since then the citizens of Boston, representing one fifth of the population of the Commonwealth, have had no power whatever over this most important executive branch of their government, no voice in the enforcement of law, the preservation of peace, and the protection of life, liberty and property. Whatever abuses may exist, however inefficient, partisan and scandalous such administration may be, however coercive or unprincipled in its dealings with the interests under its control, however detrimental to Boston and the welfare of her citizens, they must patiently submit to any wrongs, content to agitate and protest, powerless to remedy or to punish. No self-respecting community in the Commonwealth, after living and prospering under the blessings

of liberty and self-government, would permit without emphatic protest such violation of their rights; nor is it easy to see why they should inflict or tolerate it upon their neighbors. Naturally and fortunately, such a wide departure from the spirit of our institutions and the teaching of the fathers has brought only evil results. A law founded on a mistrust of the people, removing government beyond their reach and officials beyond their control, is certain to lead to grave abuses. Such has been our experience with state control of the police of Boston. The board of police by its acts has deservedly lost the confidence of the citizens of Boston and of the people of the Commonwealth. I again earnestly recommend the separation of the powers of this board; that the control of her police, which is a purely administrative function, be restored to the city of Boston; that the control of licenses, which is judicial in its nature, be placed in a board of such character, appointment and tenure as to be judicial in its action. It is within your power thus to correct a serious evil, do justice to the city of Boston, and a service to the whole community. I shall endeavor by executive action to lift this board out of politics, and to give assurance to the public that the administration of the important interests under its control shall be efficient, upright, and free from partisan perversion.

EXTENSION OF LOCAL SELF-GOVERNMENT AND RELIEF FROM SPECIAL LEGISLATION.

Due regard for the right of local self-government requires not only non-interference by the state in the purely local affairs of cities and towns, but also the grant to them of greater powers, in order that there may be the most successful treatment and control of the ever-increasing problems of local concern. Such grant would be both a wise and just extension of local self-government, and in harmony with what I believe to be the sound policy of substituting, wherever possible, general laws for special legislation. Something was accomplished last year in this direction. General laws, providing for the establishment of city governments, granting greater powers to local governments in the construction of sewers, pensioning of the police, the raising of money for celebrations, and the control of the streets, were

enacted to cover matters which had been the subject of many special laws. A reference to the acts of last year shows the need of more legislation of this character. Of its four hundred and forty acts, nearly one third were special laws passed upon the application of twenty-five cities and eighty-five towns. Of these acts, eighteen were to introduce, increase or improve water supplies, or regulate water rates; sixteen to authorize water debts; nine to refund indebtedness; seven to issue bonds; ten to confirm proceedings of town meetings; nine to take land for public purposes; seven relating to grade crossings, six to rights in bridges, four to fisheries, seven to duties of officials; and there were many others relating to salaries, sewers, celebrations and other local matters. There were also eighty-seven acts relating to other corporations, including many acts to give authority to hold additional property, increase or reduce capital, issue bonds, sell real estate, confirm proceedings, and for the incorporation of trust and water companies. A careful examination will show, I believe, that the authority and proper control of the state can better be exercised over many of these matters through general laws, with wise limitations and official supervision, than by the constant grant of special rights, powers or favors. The incorporation of safe deposit and trust companies, like savings and co-operative banks, in my judgment should be made by general law, under the scrutiny and authority of the savings bank commissioners, instead of being, as now, a matter of special legislation; and I again recommend the passage of such a law. Other corporate matters, now the subject of numerous special laws, you may find can wisely be covered by general laws. In this connection I ask you to consider the expediency of providing by general law for the sale of new railroad stock by auction, or other disposition of it at its market value where such value is in excess of par, instead of its distribution to its stockholders at par as now permitted. My reasons for believing such law to be wise, just and for the public interest I have fully stated in a special message to the legislature of May 9, 1892, vetoing "An act to authorize the Connecticut River Railroad Company to increase its capital stock."

The passage of a general law in reference to public water supplies, to regulate grants, to establish proper authority

to examine and determine the rights of conflicting claimants, and to provide for the broad and just treatment of the whole subject as well as for the details of water rates and debts, now the subject of special legislation, is each year becoming more urgent. But more fundamental and important are the preservation and extension of the right of local self-government, by the grant under general laws of further powers to cities and towns to deal with franchises, taxation, extension of municipal work, and other matters of a local character, leaving to each community to determine the expediency of availing itself of these enlarged powers.

This principle of home rule, which asserts that the highest efficiency, greatest social happiness and political contentment are obtained by local control of home affairs, need not, and does not, conflict with the establishment by the state of a general policy in any field of public work, nor with her creation of such machinery of local government as she deems expedient. It does require that the working of that machinery shall be left to the local authority, and be under the check and control of the local constituency.

METROPOLITAN QUESTIONS.

Nor does this principle overlook the fact that there are public matters, affecting the interests of a number of communities, where necessary union of action can be accomplished only by the interposition of a superior authority. In such cases, in the absence of some comprehensive method of mutual action, state control is necessary. The questions are not local but metropolitan in their character, and the whole population affected must be considered and made one community for their successful solution. The tendency of our modern civilization is to build up clusters of communities around a central dominating city, each with its local needs and aspirations, but these often subordinate to its interests as a member of the group to which it belongs. This at present is the relation of Boston to the surrounding cities and towns, and may soon be the position of other fast-growing centres of population in this Commonwealth. It has led to metropolitan problems of great and pressing importance, which have been recognized and treated as proper subjects for state action, and, therefore, so far as they are still unsolved, will demand your most careful consideration.

METROPOLITAN SEWERAGE.

The problem of proper sewerage for the metropolitan district along the Charles and Mystic rivers has been successfully met by the creation by the state of a metropolitan system now under construction.

METROPOLITAN RAPID TRANSIT.

Of the metropolitan questions still unsettled, none is more important or pressing than that of rapid transit. Recently this subject has been carefully and thoroughly investigated by a commission created by the legislature of 1891. Its very able and suggestive report, with important plans and recommendations, was made to the legislature of 1892, but so late in the session that it was deemed best to refer the matter to you. I commend it to your most careful consideration, in the earnest hope that your efforts will result in some solution of a problem which affects most seriously the convenience, happiness and welfare of many of our people. Cheap and rapid transit for the residents of the metropolitan district of Boston is no less important as a social and sanitary blessing than as an economic and industrial necessity. It would surely and effectively tend to dissipate the crowded centres of sickness, misery and vice, which so readily gather in the hearts of our great cities. Make transit to the suburbs easy, swift and cheap, and the squalid tenement houses of the city cannot compete, as experience shows, with the attractions of a country home. Life then will be developed under conditions more favorable to physical health and sound morals, while the central city will be relieved of densely populated areas, where disease and crime may flourish. To the poor this will give more of fresh air and sunshine, cheaper land or rent, and so cheaper cost of living, under healthier and happier conditions. The industrial gain from better transit is too apparent to need extended statement. It means greater facility in the transaction of business, and its consequent extension; and to the whole community a saving of time and labor, with greater comfort and convenience. Street blockades in Boston, slow transit, insufficient accommodations, either in transit or at terminal stations, are quite as much an annoyance and loss to the residents of the

suburban cities and towns as to the residents of Boston. Because of this interest of many municipalities in the matter, if not their responsibility for its solution, it requires treatment sufficiently broad to cover the entire field, by an authority which can compel concert of action. Under existing conditions this can spring only from the state, but it should be sustained and enforced by the willing coöperation of all the communities interested. The time has fully come for action. Further delay only complicates the problem, and makes its solution more difficult and expensive.

METROPOLITAN PARKS.

Among other metropolitan questions which may soon demand attention are those of parks, water supply and highways. Under the provisions of an act of last year, a metropolitan park commission was appointed to consider the advisability of laying out ample open spaces for public use in the towns and cities in the vicinity of Boston. As required by the act, the commission will early in the present session report a comprehensive plan for laying out, acquiring and maintaining such open spaces. The subject is one of great and increasing public interest. With the opportunity thus to improve river basins, protect the sources of water supply from pollution, and guard the public health, as well as to furnish to a crowded population breathing spaces for exercise and recreation, the subject not merely affects the beauty and comfort of a locality and the happiness of its people, but becomes an essential factor in the well being and prosperity of a modern city. If anything is to be done, the sooner action is taken by proper authority the better. Ample reservations, such as the Middlesex Fells and the Blue Hill forest, can now be secured at reasonable cost. Unless secured now, these and other like tracts are likely to be lost by occupation for other purposes, or later can be secured only at very great expense.

METROPOLITAN WATER SUPPLY.

The subject of a water supply for the metropolitan district of Boston, including by that term the territory within ten miles of the state house, may in the near future demand serious attention. The present population of the

district is about nine hundred thousand. While some places within it have an excellent water supply sufficient for many years, yet I am informed by competent authority that the total available supply of pure water within reasonable distance is probably only enough for the consumption and need of a population of one million five hundred thousand, which number may be reached in fifteen years. In view of future necessities, it may seem to you prudent to make now preliminary investigations to determine the best source of water supply for the entire metropolitan area.

IMPROVEMENT OF HIGHWAYS.

The improvement of our highways is another subject which will require your consideration. This, of course, is largely a matter of local duty, under the control of local authority. But it is also of such general interest and importance that the state last year established a commission to consider the best and most practicable method of construction and maintenance of highways, and what legislation is necessary for their improvement. The commission will report to you the results of its careful, thorough investigation. The evident need and demand for the improvement of our highways, and of more systematic, uniform methods in their construction and maintenance, require careful attention.

EDUCATION, LABOR, AGRICULTURE.

These important interests of the Commonwealth, over which she has ever exercised watchful care, demand and will receive, I am sure, your earnest attention, with every desire to maintain in their full vigor and integrity our great institutions, and by wise, progressive legislation to promote the welfare of the farmer, the wage earner and all the people. Without repeating in detail the recommendations heretofore made by me upon these subjects, I refer them to your consideration.

MILITIA.

The militia of the Commonwealth has during the past year been drilled under the new regulations adopted by the general government, and has maintained its efficient condition. It has been proposed during the world's

Columbian exposition this year to mobilize in Chicago the militia of the country for instruction. As yet no definite plan has been formulated, but it is suggested to muster the troops by a call from the president of the United States for a period of fifteen days, under command of officers of the United States army, the government to furnish transportation and rations. I believe such muster, under careful regulations, with the necessary preparatory drill and discipline, will be of service to our militia, and I urge your coöperation in the matter. Should the troops of Massachusetts be so mustered, I assume that their regular encampment here would be omitted. An addition to the annual appropriation will probably be necessary to carry out the plan.

LAND REGISTRATION AND TRANSFER.

I regret that little or nothing has yet been done to reform our system of land registration and transfer. At present serious delay and expense, constant reëxamination, and then possible insecurity, attend a system where freedom, security and cheapness are most desirable and for the public interest. I cannot doubt that the ability and ingenuity of our people can devise or adapt some system to remedy these admitted evils. The Torrens system of registration of titles, the general features of which were fully stated by me in a message to the legislature of 1891, has proved to be a simple, safe and admirable plan of land transfer in Australia and other countries where it has long been used. I commend it to your consideration, in the belief that further investigation will show that the principles of this system can be adopted here, or at least that important changes can wisely be made in our present cumbersome methods of land transfer. An able commission recently appointed in the state of Illinois has recommended the adoption of this system there.

FAST DAY.

A memorial concerning Fast Day, signed by prominent representatives of religious denominations and colleges within the Commonwealth, was submitted to the last legislature late in its session, and by it referred to you. It is worthy of your careful consideration. Massachusetts, in her inception, growth and development, as well as in her constitution, is emphatically a Christian com-

monwealth. The Bill of Rights declares: "It is the right as well as the duty of all men in society publicly and at stated seasons to worship the Supreme Being, the great Creator and Preserver of the Universe." True to the religious character of their origin, and in accordance with the union of church and state which they established, and which for a half century in a mild and tolerant form existed under our constitution, our pious fathers with entire unanimity early instituted the custom of setting apart annually by public authority a day to be observed as "a day of public fasting, humiliation and prayer to Almighty God." Each year the governor, with the advice and consent of the council, appoints this day, and requests its due and appropriate observance by the people, and the statute provides that all public business shall be suspended thereon. But in the progress of time with its changes of custom and feeling, in the growth of the Commonwealth with diversity of religious sentiment and of race, in the entire separation now of church and state, or perhaps for the better and higher reason of a more general observance of the great and solemn historic fast of the universal church, or of others suggested by deep religious sentiment according to the dictates of conscience, — whatever the cause, the fact is clear that the annual state fast has come to be generally disregarded, or deflected from its original and grateful purpose. It has become little else than a holiday. It seems inconsistent with sound public and religious sentiment, and almost irreverent, to require a day to be set apart by public proclamation to a most solemn purpose, when it is well known that it will not be so observed. I therefore suggest whether you may not properly sever the secular duties of the state from the spiritual obligations of the churches and the people by providing another legal holiday in the spring of the year, leaving to voluntary action the recognition and reverent observance either of the religious fast of Good Friday, or of such other day of fasting, humiliation and prayer as the various churches and religious communities in the Commonwealth may at any time appoint for themselves. To accomplish the change it is only necessary to strike out the words "fast day" from our existing statutes prohibiting or regulating public or other business on holidays. After such legislation the governor and council no doubt would assume that they

were not required to appoint such day. In its place as a spring holiday I would recommend the selection of the historic 19th of April.

RECIPROCITY WITH CANADA.

The establishment of closer trade relations between the United States and the Dominion of Canada is a matter of much importance to this Commonwealth. On few subjects is there a stronger interest or greater unanimity of sentiment among our citizens. To our manufacturers and merchants it will give the opportunity for a large extension of trade, by opening to them an important and profitable market, and an abundant supply of the raw materials necessary for our various industries. A broad measure of reciprocity with Canada would make Massachusetts, and especially Boston, the industrial and commercial centre of a greatly enlarged territory, add to our prosperity and wealth, and to the welfare of our people. While the settlement of the question is beyond your power, I believe it would be both proper and wise to express to congress by resolution this opinion of Massachusetts upon it.

Senators and representatives.—We meet at a time of useful agitation, when more than ever the people are discussing political, industrial and social questions with searching intelligence and fearless independence. Appreciating the importance of these matters to their welfare, and the power of government over them, the people rightly demand that so far as public authority undertakes to act, its power shall be used in their interest and be kept under “their watch and control.”

We, as their representatives, are confronted not only with old and difficult but with new and unsolved problems. To their consideration, however our opinions may vary, I doubt not we shall bring honest conviction, patriotic purpose and a sincere desire to promote the public welfare. Under such influences, with due regard for the needs of the present but also for the conservative principles and practical wisdom of the past, led by the “kindly light” which the Supreme Lawgiver ever vouchsafes to his dependent children, let us step forth into this new year with hope, courage and enthusiasm to meet the new duties and the new responsibilities.

God save the Commonwealth of Massachusetts, and keep us steadfast in her service.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS
EXCELLENCY THE GOVERNOR TO THE LEGISLATURE
DURING THE ANNUAL SESSION.

[To the senate and house of representatives, Jan. 9, 1893.]

I have the honor to present herewith, in compliance with chapter 50 of the resolves of 1860, a report of the pardons issued by the governor, with the advice of the executive council, during the year of my administration just closed. The number of prisoners thus released is fifty-nine. Sixteen were in the state prison, fifteen in the Massachusetts reformatory, three in the reformatory prison for women, one each in the state farm and Worcester lunatic hospital, and twenty-three in houses of correction. Sickness was the controlling reason for the discharge of sixteen, six of whom have died. All of these have been granted with the unanimous consent of the council.

WM. E. RUSSELL.

No. 1. GEORGE A. SPENCE. Convicted of being a common drunkard, Police Court, Chelsea, April 13, 1891. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Jan. 13, 1892, upon the recommendation of the justice who imposed the sentence and the chief of police of Chelsea, who believed that he had been sufficiently punished, and that he and his family, who were in very destitute circumstances, would be much benefited by his release.

No. 2. JOSEPH R. FRENCH. Convicted of larceny, Municipal Court, Boston, June 16, 1890. Sentenced to the Massachusetts reformatory on an indeterminate

sentence. Pardoned Jan. 20, 1892. The crime consisted of the larceny of "one silver coin of the value of twenty-five cents." His parents were not notified of his arrest, and he consequently was without counsel at his trial. He had never before been arrested. The pardon committee were of the opinion that the eighteen months' imprisonment he had already served was sufficient for the crime committed.

No. 3. WILLIAM W. RIDEOUT. Convicted of drunkenness, Second District Court, Eastern Middlesex, Oct. 30, 1891. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Feb. 3, 1892. The pardon committee were satisfied that Rideout had been sufficiently punished for the offence committed, and believed that he would hereafter refrain from the use of intoxicating drink. Pardon was recommended by the city marshal of Waltham and probation officer.

No. 4. FRANK J. BEDARD. Convicted of breaking and entering, Superior Court, Suffolk county, February term, 1891. Sentenced to the house of correction for eighteen months. Pardoned Feb. 4, 1892. The prisoner had less than five months of his sentence to serve. A good home and immediate employment awaited his release. This was his first offence. It was believed that a pardon would tend to encourage him to lead an upright life and become a good citizen.

No. 5. CHARLES F. CARTER. Convicted of larceny, Police Court, Newton, June 8, 1891. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Feb. 4, 1892, upon the recommendation of the justice who imposed the sentence, the probation officer, arresting officer, complainant and commissioners of prisons, on the ground that the representations made to the court at the trial regarding the previous character of the defendant were not true, and believing that the boy had been sufficiently punished for the crime committed.

No. 6. JOHN ROWAN. Convicted of larceny, Superior Court, Berkshire county, Jan. 24, 1890. Sentenced to three and one half years in state prison. Pardoned Feb. 10, 1892, upon the recommendation of the district attor-

ney who prosecuted the case, who certified "that at the time of Rowan's sentence perhaps he had made a mistake in not suggesting a lighter sentence, and that in the house of correction." He was strongly of the opinion that Rowan had been sufficiently punished, and personally appeared to urge a pardon.

No. 7. HENRY B. BLUE. Convicted of embezzlement, Superior Court, Suffolk county, March term, 1891. Sentenced to state prison for four years. Transferred to the Massachusetts reformatory Sept. 11, 1891. Pardoned Feb. 11, 1892. The prisoner was suffering from pulmonary consumption. Unless released, it was the opinion that his death would ensue in a short time.

No. 8. JOHN WOOD. Convicted of violating the license law, Superior Court, Middlesex county, Dec. 11, 1891. Sentenced to the house of correction for four months, and to pay a fine of fifty dollars. Pardoned Feb. 11, 1892. Wood was seventy years old, a cripple, and seriously ill with consumption, with no prospect of recovery.

No. 9. JOHN SULLIVAN. Convicted of breaking and entering, Superior Court, Essex county, Oct. 17, 1890. Sentenced to the house of correction for two years. Pardoned March 9, 1892. The prisoner was suffering from phthisis and gradually but surely failing. It was hoped that a pardon might prolong his life. He died April 9.

No. 10. ANNIE PICKARD. Convicted of stubbornness, Second District Court, Bristol county, Dec. 23, 1891. Sentenced to the reformatory prison for women for fifteen months. Pardoned March 16, 1892, upon the recommendation of the justice who imposed the sentence, the probation officer and the commissioners of prisons. The complaint was made by the father in a fit of anger, and, had all the circumstances been brought to the attention of the court, she would undoubtedly have been placed on probation.

No. 11. EDWARD H. WELCH. Convicted of robbery, Superior Court, Suffolk county, October term, 1882, and escape, May term, 1885. Sentenced to state prison for

ten years for robbery and three years for escape. Pardoned March 16, 1892, upon the recommendation of the justice who imposed the sentence for escape and the district attorney. It appeared that Welch had served the full term for which he was originally sentenced, and nearly two years of the sentence for escape. The justice in passing sentence intended to give him the minimum sentence for the escape, which is one year; by some misunderstanding the maximum sentence of three years was imposed.

No. 12. AGNES BAILEY. Convicted of drunkenness, Superior Court, Suffolk county, Sept. 30, 1891. Sentenced to the reformatory prison for women for one year. Pardoned March 23, 1892. The prisoner had a son dying of consumption, who needed her care and attention. She was pardoned that she might attend him in his last days.

No. 13. WADE C. CUMMINGS. Convicted of breaking and entering, Superior Court, Suffolk county, Sept. 10, 1889. Sentenced to five years in state prison. Pardoned March 30, 1892, upon the recommendation of the district attorney and the arresting officer. It had been the intention of the district attorney to recommend a pardon after the prisoner had served two years of the sentence imposed upon him, as he was satisfied that Cummings, who had previously borne a good reputation, was led away by his associates in the offences committed.

No. 14. EDWARD J. DOOLEY. Convicted of breaking and entering, Superior Court, Plymouth county, Nov. 6, 1890. Sentenced to state prison for three years. Transferred to Worcester lunatic hospital Dec. 3, 1890. Pardoned March 31, 1892. There had been no change in Dooley's condition since his transfer to the insane hospital; he was not in a condition to be discharged from the hospital, but his family were able and anxious to pay for his board, provided the stigma resulting from his conviction were removed by a pardon.

No. 15. JOHN HAMILTON. Convicted of larceny, Central District Court, Worcester county, Jan. 29, 1892. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned April 6, 1892, upon the

recommendation of the commissioners of prisons. There were mitigating circumstances in the case, which, had they been presented at the trial, would undoubtedly have lightened the sentence, or would have resulted in the dismissal of the complaint.

No. 16. JOHN RYAN. Convicted of vagrancy, District Court of Eastern Hampden, Dec. 2, 1891. Sentenced to the state farm for eighteen months. Pardoned April 7, 1892, upon the recommendation of the justice who imposed the sentence. Having committed no crime, his sentence was considered severe by the pardon committee, and his punishment sufficient. Parties stood ready to give him employment.

No. 17. FRANCIS L. WHITE. Convicted of forging and uttering bills, Superior Court, Suffolk county, January term, 1889. Sentenced to seven years in state prison. Pardoned April 13, 1892. White was in a serious physical condition, having had two hemorrhages from the lungs. It appeared that the only chance for his recovery was in release from confinement. With a change of climate it was hoped his life might be prolonged. Mr. King, the assignee of White's estate, and who prosecuted the case against him, appeared before the committee with many prominent business men of Boston, and strongly urged a pardon for the above reasons. The committee believed that the ends of justice had been secured by his more than five years' imprisonment, — including the time he was confined in jail awaiting trial, — and that no good would result to any one from his longer confinement.

No. 18. HARRY F. LAROCK. Convicted of burning a barn, Superior Court, Middlesex county, Oct. 27, 1890. Sentenced to the house of correction for two years. Pardoned May 4, 1892, upon the recommendation of the prison physician and district attorney, on account of serious illness.

No. 19. JOHN GALLIVAN. Convicted of rape, Superior Court, Essex county, Oct. 26, 1891. Sentenced to state prison for eight years. Pardoned May 4, 1892, because there was abundant evidence that the complainant upon whose testimony the prisoner was convicted was a woman

of notoriously unchaste character, addicted to drunkenness, and an untruthful witness. Eleven of the jurymen, one being absent from the state, recommended a pardon on the ground of innocence. Two were present at the hearing, and testified that a verdict of guilty was brought in under a misapprehension of facts. Gallivan was but nineteen years of age, and had always borne a good character.

No. 20. J. VOLNEY COMERFORD. Convicted of larceny, Central District Court, Worcester, Jan. 2, 1892. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned May 11, 1892. The crime consisted in borrowing a roommate's coat (leaving a note saying that he had taken it). This he had done before, but at this time he was taken sick and did not return the coat. His roommate swore out a warrant for his arrest. He was brought from his father's house in Athol to Worcester, and sentenced without counsel and before his father could reach the court room. The pardon committee believed that he was sentenced under a misapprehension, and that he was not guilty of larceny or any other crime.

No. 21. JAMES ROGERS, *alias* DOBBS, *alias* KENNEDY. Convicted of having burglars' tools, Superior Court, Essex county, June 9, 1884. Sentenced to state prison for ten years. Pardoned May 13, 1892. Rogers was dangerously ill with a complication of diseases, and in the opinion of the prison physician his death was but a question of a short time. As but thirty-seven days remained of his sentence, he was pardoned that he might die among his friends. He was removed to New York city, where he died two days later, May 15.

No. 22. JOSEPH S. RICHARDS. Convicted of larceny, First District Court, Worcester county, March 19, 1892. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned May 17, 1892. Richards was suffering from pyæmia, as a result of a carbuncle; he was very ill, with no prospect of recovery. He died May 26.

No. 23. J. COLBY DREW. Convicted of forgery, Superior Court, Essex county, Oct. 10, 1888. Sentenced

to state prison for six years. Pardoned May 18, 1892, upon the recommendation of mayor Hayes, ex-city marshal King, ex-senator Bennett, ex-mayor Newhall, general Peach, and many others of the leading citizens of Lynn, who personally appeared and urged a pardon. Drew carried on a grocery business in Lynn. At the time he bought the store he was obliged to borrow money, and gave his notes; these notes were renewed from time to time. As he became more pressed for money, he commenced to forge the names of some of his customers to notes, making them payable to himself, and then passing these forged notes to money lenders, who discounted them at the rate of three to five per cent. per month. This method of doing business he carried on for a considerable time, and, as the interest was so large, he was compelled to give a large number of forged notes in order to keep going. The first that was known of his transactions was his voluntary confession made to city marshal King. The notes were nearly all held by persons who loaned money, and charged him excessive rates of interest. The district attorney certified that Drew had always stood well in the community; that he did not believe he was a criminal by instinct, but that being obliged to pay excessive rates of interest was the cause of his downfall. Under these circumstances the pardon committee were of the opinion that he had been sufficiently punished, and that he would become a good citizen.

No. 24. JOHN GOODROAD. Convicted of keeping a disorderly house, Police Court, Fitchburg, Nov. 3, 1891. Sentenced to the house of correction for three months and to pay a fine of one hundred dollars. Pardoned May 18, 1892. The prisoner having served six months' imprisonment made application on the 9th of May to the justice presiding at the police court of Fitchburg, to be released under the provisions of section 17, chapter 222, of the Public Statutes. It appearing to the justice that the petitioner had fifty-eight dollars in his possession, he refused to order his release. As the petitioner was unable to pay the fine, under the ruling of the justice, he would be obliged to remain in prison during his natural life unless released by pardon. There was grave doubt if he was not entitled to release of right upon his petition to the court.

No. 25. EDWARD FORTER. Convicted of manslaughter, Superior Court, Suffolk county, July 6, 1889. Sentenced to state prison for four years. Pardoned May 19, 1892. The prisoner was in an advanced state of tubercular consumption, with no hope of recovery.

No. 26. MICHAEL LOMASNEY. Convicted of larceny, Superior Court, Suffolk county, December term, 1891. Sentenced to the house of correction for one year. Pardoned June 1, 1892, on the recommendation of the district attorney and the overseers of the poor. The prisoner, whose wife was soon to be confined, had employment awaiting him as soon as released.

No. 27. SALEM WESTENBERG, *alias* WESTBERG. Convicted of assault, Superior Court, Worcester county, Jan. 27, 1892. Sentenced to the house of correction for ten months. Pardoned June 2, 1892, upon the recommendation of the prison physician and district attorney, on the ground of serious illness which was likely to jeopardize his life if kept longer in close confinement.

No. 28. WILLIAM MURPHY. Convicted of breaking and entering, Superior Court, Essex county, Oct. 13, 1891. Sentenced to two years in the house of correction. Pardoned June 8, 1892, on the recommendation of the district attorney, who certified that he believed that justice had been satisfied by the punishment already inflicted. Murphy was an old man, and this was his first offence, committed while under the influence of liquor.

No. 29. WILLIAM E. HARRINGTON. Convicted of drunkenness, Municipal Court, Charlestown, Feb. 26, 1892. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned June 8, 1892, on the ground that it evidently was a case where the exercise of clemency would be likely to work beneficial results to the prisoner. This was his first offence.

No. 30. FRANK REED. Convicted of drunkenness and larceny, Superior Court, Middlesex county, Feb. 17, 1892. Sentenced to the house of correction for nineteen months. Pardoned June 9, 1892. The prisoner was in the last stages of consumption and expected to live but a short time.

No. 31. CHARLES W. PECKHAM. Convicted of larceny, Superior Court, Worcester county, Jan. 28, 1890. Sentenced to five years in state prison. Pardoned June 23, 1892. Peckham was seriously ill with catarrh of the bladder, with but little prospect of recovery.

No. 32. FREDERICK RUSSELL. Convicted of indecent exposure, Police Court, Somerville, Feb. 2, 1892. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned June 24, 1892, upon the recommendation of the justice who imposed the sentence, and the commissioners of prisons, on the ground that previous to committing this offence he had borne a good character, that his conduct had been good in the reformatory, that he had a wife and children dependent upon him for support, and that it is not likely any such occurrence will happen again.

Nos. 33 and 34. JAMES FOLEY and MICHAEL NORTON. Convicted of larceny, three indictments, Superior Court, Suffolk county and Roxbury Municipal Court, Jan. 22, 1892. Sentenced to fifteen months in the house of correction. Pardoned June 30, 1892. Both of these young men were eighteen years of age and had previously borne an unblemished reputation. District attorney Stevens recommended their release on the ground that they had been sufficiently punished and would conduct themselves properly hereafter.

No. 35. JOSEPH HOGUE. Convicted of vagrancy, Southern District Court, Norfolk county, Jan. 30, 1892. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned June 30, 1892, upon the recommendation of the commissioners of prisons. An investigation by the commissioners disclosed the fact that the only offence committed was in asking for a night's lodging in Canton. He was sent to the poor farm, and arrested the next morning for vagrancy.

No. 36. JAMES E. TREFRY. Convicted of indecent assault, Superior Court, Essex county, Oct. 27, 1891. Sentenced to the house of correction for two and one half years. Pardoned July 8, 1892, upon the recommendation of the selectmen, chief of police, town clerk and treas-

urer, and many other leading citizens of Marblehead, where the alleged crime was committed. The assault was in no way aggravated; no physical injury was done or attempted. For the offence committed (while under the influence of liquor) it was considered that he had been sufficiently punished.

No. 37. **SILAS S. DREW.** Convicted of cheating by false pretences, Superior Court, Suffolk county, June 18, 1891. Sentenced to seven years in state prison. Pardoned July 21, 1892. Drew was ill with gangrene in the foot, with no possibility of recovery. He had been in the hospital more than a year. His pardon was recommended by all his creditors whom he had defrauded, except two who could not be reached. He died in September.

No. 38. **EDWIN L. WHITFORD.** Convicted of adultery, Superior Court, Middlesex county, Feb. 15, 1892. Sentenced to eighteen months in the house of correction. Pardoned July 21, 1892. Whitford was in the last stages of phthisis, with no hope of recovery.

No. 39. **THOMAS FIELDING.** Convicted of larceny, Superior Court, Suffolk county, October term, 1891. Sentenced to three years in the house of correction. Pardoned July 21, 1892. Fielding was hopelessly ill with pulmonary consumption. The prison physician considered him incurable.

No. 40. **MICHAEL ROMONO.** Convicted of larceny, Central District Court, Worcester, Jan. 12, 1892. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned July 28, 1892, upon the recommendation of the prison commissioners, who were of the opinion that, had all the facts in the case been presented to the court at the time of sentence, the prisoner would have been placed on probation.

No. 41. **JOHN WILLIAMS.** Convicted of robbery, Superior Court, Suffolk county, June 9, 1890. Sentenced to the house of correction for three years. Pardoned July 29, 1892. Williams was very ill with pulmonary consumption, with no prospect of recovery.

No. 42. THOMAS MAROONEY. Convicted of drunkenness, First Eastern District Court, Middlesex county, May 2, 1892. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Sept. 14, 1892, on the recommendation of the prison commissioners and the selectmen of Melrose. The prisoner had a wife and six young children in destitute circumstances. It was believed that he would refrain from the use of liquor hereafter, and be able to support his family.

No. 43. ERVING J. SMITH. Convicted of perjury, Superior Court, Worcester county, May 28, 1892. Sentenced to the house of correction for three years. Pardoned Sept. 14, 1892, upon the recommendation of the master and chaplain of the house of correction. He was but twenty years of age when the offence was committed, and was influenced by an older man who received a sentence to state prison. The district attorney certified that previous to the commission of this crime, Smith had borne an unexceptionable character, and his act was unaccountable. It was believed that he would hereafter lead an honorable life. Immediate employment awaited him.

No. 44. FREDERICK EARL, *alias* WANKOAP. Convicted of larceny, Superior Court, Suffolk county, March term, 1892. Sentenced to the house of correction for one year. Pardoned Sept. 14, 1892, on account of serious illness. He was removed to Bellevue Hospital, N. Y., for medical treatment. He died October 9.

No. 45. KATE WHITFORD. Convicted of larceny, District Court, Northern Berkshire, Dec. 1, 1891. Sentenced to two years in the house of correction. Pardoned Sept. 23, 1892, upon the recommendation of the justice who imposed the sentence, the sheriff of the county and the probation officer, on the ground that the prisoner was innocent of the crime of which she was convicted, the principal witness having testified falsely.

No. 46. AUGUSTIN DAILEY. Convicted of larceny, Municipal Court, Boston, Aug. 24, 1892. Sentenced to the house of correction for six months. Pardoned Oct. 6, 1892, upon the recommendation of the justice who imposed the sentence, and the arresting officer. There were grave doubts as to the guilt of the prisoner.

No. 47. LEONARD P. SMITH. Convicted of breaking and entering, Superior Court, Essex county, Feb. 16, 1891. Sentenced to two years in the house of correction. Pardoned Oct. 7, 1892. Smith, who had never before been arrested, was led into committing the crime by an older and experienced criminal. The sentences, however, were the same. As but two months of his sentence remained unexpired it was the opinion of the committee that a pardon would encourage the young man, who was twenty years of age, to lead an honest, upright life. The pardon was recommended by the chairman of selectmen, chief of police, complainant, and other citizens of Peabody, where the crime was committed.

No. 48. FRANK A. CURRY. Convicted of lewd and lascivious cohabitation, Superior Court, Suffolk county, May term, 1892. Sentenced to the house of correction for one year. Pardoned Oct. 7, 1892. The pardon was asked for by the mayor, judge of police court, and many prominent citizens of Gardiner, Me., where the prisoner resided, who believed that the ends of justice were satisfied and that Curry would not again offend. He had a wife and two young children in very destitute circumstances who would become a public charge if he were not released.

No. 49. JULIA BELANGER. Convicted of arson, Superior Court, Essex county, Feb. 17, 1888. Sentenced to seven years in the reformatory prison for women. Pardoned Oct. 21, 1892, as an act of executive clemency, upon the recommendation of the superintendent of the reformatory, who certified to her good conduct and cheerful endurance of her sentence. She had been in prison nearly five years, and in all that time had shown nothing of a criminal taste or nature. She had been trusted in many ways, never failing to show herself worthy of such trust. During her imprisonment her husband and children have died. It was thought by the superintendent that her pardon would have a good effect upon the discipline of the prison.

No. 50. CHARLES A. PEAKES. Convicted of embezzlement, Superior Court, Suffolk county, Feb. 24, 1892. Sentenced to the house of correction for eighteen months.

Pardoned Nov. 2, 1892. Peakes' previous reputation had always been excellent. He had a wife and three children in needy circumstances dependent on him for support. An indeterminate sentence to the reformatory would have been imposed but for the fact that the prisoner was three years older than the age at which a prisoner could be so sentenced. His conduct had been perfect in prison, and he was released about the same time he would have been if sentenced to the reformatory.

No. 51. NELSON L. BATOME. Convicted of assault, Superior Court, Essex county, Feb. 4, 1892. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Nov. 3, 1892, upon the recommendation of the prison commissioners. The assault was committed in self-defence. It appeared that a shopmate had been in the habit of tormenting and annoying Batome for a long time; on this occasion Batome was pushed over some machinery where he was working, and when he arose he struck his assailant on the head with a short piece of iron. His shopmates and the police all sympathized with him and thought his assailant got no more than he deserved.

No. 52. GEORGE WAGNER. Convicted of rape, Superior Court, Hampden county, May 20, 1890. Sentenced to state prison for eight years. Pardoned Nov. 16, 1892. From evidence submitted to the pardon committee, and which was not presented to the jury, they were satisfied beyond a doubt that Wagner was not guilty of the crime of rape, but only of a far less serious offence which is ordinarily punished by a sentence of not more than one year in the house of correction.

No. 53. JOSEPH BUTLER. Convicted of rape, Superior Court, Berkshire county, Jan. 17, 1883. Sentenced to state prison for life. Pardoned Nov. 16, 1892, upon the recommendation of the district attorney who prosecuted the case, hon. John C. Crosby, and many citizens of Berkshire county, including the relatives and friends of the complainant. Butler was suffering with a chronic disease of the eyes, which was considered by specialists to be incurable and might eventually cause entire loss of

sight. He had been under treatment in the prison for more than two years. His prison record had been perfect. No one appeared at the hearing to oppose the pardon.

No. 54. JOHN TAYLOR. Convicted of murder, second degree, Supreme Judicial Court, Suffolk county, May 27, 1878. Sentenced to the state prison for life. Pardoned Nov. 24, 1892, as an act of executive clemency for Thanksgiving Day. On returning to his home one night Taylor found his wife, who was a dissolute character, in an intoxicated condition. During the controversy that ensued, he gave her a push which caused her to fall down stairs, from the effect of which she died in a few days. It was believed by those who have carefully investigated the case that her death was largely accidental, and that there were many extenuating circumstances. Taylor had never before been arrested for any offence, and his conduct in prison had been of the best.

No. 55. ANTONIO JOAN. Convicted of arson, Superior Court, Worcester county, January term, 1874. Sentenced to state prison for life. Pardoned Nov. 24, 1892, as an act of executive clemency for Thanksgiving Day. Joan had served much longer than the average sentence for such an offence, which has customarily been not more than twenty years. If he had received a sentence of twenty-four years, it would expire, deducting time for good behavior, in February, 1893. His record during the entire time of his imprisonment had been perfect, he never having been even reprimanded. Hon. E. V. Mitchell of Medfield gave him immediate employment in his factory.

No. 56. ROBERT A. BROWN. Convicted of breaking and entering, Superior Court, Suffolk county, September term, 1889. Sentenced to state prison for five years. Pardoned Dec. 19, 1892, upon the recommendation of the district attorney who prosecuted the case, who was of the opinion that Brown had been sufficiently punished for the crime committed. He went immediately to California to live with an uncle, where he could be away from the influence of his former associates. This was his first offence.

No. 57. JAMES F. BROWN. Convicted of larceny, Municipal Court, Dorchester, Oct. 6, 1892. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Dec. 21, 1892, upon the recommendation of the prison commissioners and the justice who imposed the sentence. If all the circumstances of the case had been brought to the attention of the justice at the time of trial he would have placed him on probation. He had never before been arrested.

No. 58. JOHN W. FIELDS. Convicted of breaking and entering, Superior Court, Essex county, May 11, 1892. Sentenced to the house of correction for two and one half years. Pardoned Dec. 23, 1892, upon the recommendation of district attorney Moody the prosecuting officer, who had very carefully investigated the case since Fields was sentenced, and was satisfied that he was entirely innocent of the crime of which he was convicted. The evidence which convicted Fields with the breaking and entering was his companionship on the following day with the other three persons accused.

No. 59. JAMES DUNLAP. Convicted of breaking and entering and larceny, Superior Court, Hampshire county, Dec. 29, 1877. Sentenced to state prison for twenty years. The case of James Dunlap has attracted so much public attention that it seems proper to state the facts in regard to it. He was sentenced Dec. 29, 1877, for the robbery of the Northampton National Bank. His term of sentence will expire December, 1893. Sentence was suspended for a time in the expectation that he would be able to make restitution of the property stolen, which fact it was stated would be taken into account in giving him sentence. Through his efforts stolen property to the amount of \$1,600,000 was restored to the bank. This restitution was made after numerous conferences with the officials of the state, and every assurance was given him that properly could be given by the governor and other officials, that in case of restitution of property every effort would be made to reduce his sentence by pardon. Since then the case has been repeatedly before the governor and council. A pardon has been strongly urged by the president and officials of the bank, by Mr. Long, who was governor at the time the property was recovered, by

the counsel in the case, by all the surviving jurymen who could be found, by the wardens of the state prison under whom Dunlap has served, and by many prominent citizens. Notwithstanding these recommendations the governor declined to grant the pardon. The executive council, December 28, by unanimous vote of all its members, again recommended that a pardon be granted. In view of these facts, of the recommendation of three different councils, a unanimous recommendation of the present council, the fact that but a year of the sentence remains, and that his conduct in prison has been absolutely perfect, it seems proper that a pardon should issue.

[To the honorable senate and house of representatives, Jan. 9, 1893.]

I transmit to you herewith for your information and use, the accompanying documents, namely :—

Eighth annual report of the board of police of the city of Boston.

Fourth annual report of the state house construction commissioners.

[To the honorable senate and house of representatives, Jan. 10, 1893.]

I transmit herewith for your consideration, a communication from his excellency the governor of Vermont, which calls attention to the necessity of establishing boundary line monuments between Vermont and Massachusetts. A certified copy of an act of the last legislature of Vermont relating to this subject is herewith enclosed.

[To the honorable senate and house of representatives, Jan. 11, 1893.]

It is my sad duty to announce to the legislature the sudden death early this morning, at Washington, of ex-governor Benjamin Franklin Butler, and to recommend that suitable action be taken in honor of the memory of one who has rendered distinguished service to his country and to his Commonwealth in civil and in military life.

[To the honorable senate and house of representatives, Jan. 16, 1893.]

I transmit herewith for your information and use, the report for 1892 of the topographical survey commission.

[To the honorable senate and house of representatives, Jan. 17, 1893.]

I transmit herewith a copy of a resolution adopted by the legislature of Vermont in regard to "a uniform policy

of immigration from foreign nations and of migration from state to state of persons who are dependent upon charity and are of idle or vicious habits," sent to me for the consideration of the legislature of Massachusetts.

[To the honorable senate and house of representatives, Jan. 17, 1893.]

I transmit herewith for your consideration, a communication from the Massachusetts commission, world's Columbian exposition, together with a letter from the secretary of the committee on ceremonies of said exposition, in reference to the selection by this Commonwealth of a certain day during the exposition to be known as Massachusetts day. It seems to me that the selection of such a day should be by the legislature or under its authority.

I am informed by the authorities at Chicago that the historic 17th of June is available for our state day, and I suggest its selection to your consideration.

[To the honorable senate and house of representatives, Jan. 26, 1893.]

I submit for your consideration, as I have twice to your predecessors, the expediency of abolishing the office of superintendent of prisons.

An examination of the statutes relating to this office shows that its duties are few and very limited, that it has no proper connection with or relation to existing authorities in charge of our penal institutions, and that it involves an unnecessary expense of some \$6,500.

The law of 1887, chapter 447, which abolished the system of contract prison labor, created the office of superintendent of prisons and defined its duties. These were "to establish and maintain in the state prison, reformatory and the houses of correction in the Commonwealth, such industries as may, from time to time, be determined upon by him and the warden, superintendent or master." Further, that he "or the warden or master under his supervision shall purchase the materials to be used in manufacturing, as aforesaid, and sell such manufactured goods as shall be produced in the prison, reformatory or house of correction."

He was also given power to establish rules and regulations for the employment of prisoners, and required to approve the appointment and removal of persons employed to superintend and instruct the prisoners, as well as the schedules for bills, for tools, implements and materials

purchased, and salaries. He was required to have manufactured as far as may be "such articles as are in common use in the several state and county institutions," and to sell them to said institutions.

Before the expiration of a year after the passage of the law of 1887 the principal duties of the office were abolished by chapter 403, acts of 1888. His power to establish industries was expressly repealed and given to the heads of the various penal institutions. His power to purchase and sell was also taken away by the express provision that "said general superintendent shall have no authority to purchase or sell any articles for any institutions." He was, however, required to approve estimates or requisitions of the heads of the institutions.

The duty of the superintendent of prisons, imposed by chapter 337 of the acts of 1888, to approve "all bills contracted by the warden of the state prison, the superintendent of the Massachusetts reformatory or the superintendent of the reformatory prison for women for the maintenance of said institutions," etc., was, within a year, by chapter 294 of the acts of 1889, taken from him and placed in the board of prison commissioners.

Meanwhile the work originally intended for the superintendent of prisons has been lessened also by the substitution of the piece price plan for the state account plan wholly in the reformatory prison for women, and partly in the Massachusetts reformatory, leaving the state prison as the only state institution on the latter plan.

So that an office, created to deal with one part only of prison management, namely, its industries, but in that having certain well-defined but limited duties in reference to their establishment, purchase of materials, sale of products and approval of bills, has by later legislation been deprived of the power to establish industries, to make purchases or sales or to approve bills for the maintenance of said institutions.

Its remaining duties are few and unimportant, all of which can be and should be performed by or under the authority of the boards in charge of our penal institutions. The office was never in fact but only in name a superintendent of prisons, and now, in my judgment, has become practically a sinecure which it is neither necessary nor profitable to continue.

In New York the superintendent of prisons, in place of

other boards, has charge of the whole prison system, with full power over the penal institutions and their officers, and is himself responsible to the governor alone. Here the superintendent of prisons has no power whatever over our penal institutions except for the special purpose herein stated, and then with limited and perfunctory duties. Nor has he any control of or connection with the boards in charge of these institutions. The office, I repeat, "is independent of the board of prison commissioners and its work, and seems to be out of gear with any existing administrative machinery." Unless it is deemed best to follow the law of New York, and make the superintendent of prisons the responsible controlling power in our prison system, I recommend that the office be abolished.

The recommendation herein made meets with the approval, I believe, of the authorities in charge of our penal institutions.

Appointment to the office rests with the governor, and its tenure is at his discretion.

I am informed and believe that in the past my recommendation for the abolition of this office has met with the active personal opposition of the superintendent, and that to his efforts is largely due the failure of the recommendation. In my judgment the question should be considered apart from any personal interest involved. I therefore requested the resignation of the superintendent of prisons, which he has declined to give.

Under authority vested in me by section 6, chapter 447 of the acts of 1887, I have removed him from his office, and, as a temporary appointment only, have nominated in his place a member of the board of prison commissioners, to perform the necessary duties of the office pending your action upon this recommendation.

[To the honorable senate and house of representatives, Jan. 30, 1893.]

I herewith transmit for your information and use, a report of the commissioners on uniform legislation appointed under chapter 405, acts of 1891, for the promotion of uniformity of legislation throughout the United States.

[To the honorable senate and house of representatives, Jan. 31, 1893.]

I submit herewith a communication received from the Massachusetts commission of the world's Columbian exposition, requesting that an additional sum of \$25,000 be

appropriated by this Commonwealth in order to secure the best and most creditable exhibits in the various branches of the exhibition, together with memoranda showing the expenses of the commission to the 1st of January, 1893, and an estimate of expenses from Jan. 1, 1893, up to the time when their duties shall have been completed.

[To the honorable senate and house of representatives, Feb. 27, 1893]

I submit herewith for your consideration copies of recent correspondence I have had with the building committee of the trustees of Medfield asylum, together with a detailed report from them at my request in reference to the work under their charge which seems now to require your action.

Chapter 425 of the acts of 1892, which gave authority to this committee to build an asylum for the chronic insane, required said asylum to be built "substantially in accordance with the plans, specifications and estimates submitted" by the former commissioners appointed in 1890, and further required "that the aggregate expenses and liabilities" for the construction and equipment specified "shall not exceed the sum of five hundred thousand dollars exclusive of the compensation provided for the building committee," — \$150,000 to be appropriated in 1892, \$200,000 in 1893 and \$150,000 in 1894.

It appears from the report herewith submitted that the construction required by the statute cannot be completed within the amount allowed, and that there must be a change either of plans or of appropriation. Ascertaining this to be the fact, I have considered it my duty at once, before construction of any of the buildings has been commenced, to direct that all work shall cease and to submit the matter to your consideration.

Some contracts have already been made, but no work has been done under them except in reference to the water supply. From careful and detailed estimates herewith submitted it appears that the total cost of the work specified and required by the statute will be \$700,000.

The difference between the original estimates made in 1890 and those now submitted is accounted for in detail in the accompanying report, being principally increased cost of labor through shorter hours and higher wages, advance in price of material, additions required by state inspectors, architect's fees, necessary grading, more extensive water supply system, and underestimates in 1890.

The law requires and the plans contemplate an asylum upon the new and approved plan of cottage buildings of brick sufficient for the accommodation of 1,000 patients. The cost per patient upon this basis of estimates now submitted will be \$700. The average cost per patient of construction of the six existing asylums in Massachusetts based upon their capacity is \$1,492.

Whether an additional appropriation shall be made, or present plans changed is a question for you to consider and decide. One or the other of these alterations must be adopted, unless the work is to stop or be continued in disregard of the statute requirement as to plans or cost.

At the earliest moment after knowledge of these facts, I have taken such action as will permit a solution of the difficulty by the proper authority with as little delay or embarrassment as possible. I am quite unwilling even by silence to allow the beginning or continuance of any public work when it appears that its final cost will exceed the appropriation fixed by law.

This Commonwealth has had some experience of a costly nature in that direction, notably in the case of the Danvers asylum, where starting with an appropriation of \$650,000 the final cost was nearly \$1,600,000 or about \$2,500 per patient. I have, therefore, deemed it proper now at the commencement of this work to ascertain and submit to you the facts that you may decide whether any change shall be made in the original plans or appropriation, and that now and by the proper authority instead of later and by the necessities of the situation the total cost of this work shall be determined.

[To the honorable senate and house of representatives, March 7, 1893.]

I submit herewith for your consideration the annual report of the adjutant general for the year ending Dec. 31, 1892.

[To the honorable senate and house of representatives, March 13, 1893.]

Recent events at the state prison have again called the attention of the public to that institution, the defects and difficulties in its administration and the need of legislative action.

The pending change of warden makes this an opportune time again to bring the subject to your notice and again to urge most emphatically your action, that the new war-

den, assuming his office under serious difficulties, may have some chance for success. The conditions for a successful administration of this institution have for years been difficult, and, constantly growing harder, have now become intolerable. Every warden has experienced and been hampered by these conditions, and has been ready and anxious to lay down the burden of an office which carries hard work, great responsibility and personal danger, without adequate power and with success practically impossible.

Some of these difficulties are : —

First. The location of the institution, situated in the thickly settled portion of a large city, surrounded by streets, houses and railroad tracks, so that communication with the outside is easy, escapes facilitated, and implements and arms can be and have been thrown into the prison yard. Its buildings are old, cramped and in poor condition, without the facilities and improvements of modern prison construction.

Second. The crowded condition of the institution, which requires that many prisoners be doubled up in cells, so giving every opportunity for conference and co-operation in planning escapes or any misconduct.

Third. The confusion from building the extension of the prison, which necessitates constant communication with the outside, the passage to and fro between the shops and the new building of many prisoners at work upon it, and makes more difficult the separation and isolation necessary for proper discipline.

Fourth. The steady increase of long term criminals, especially under the habitual criminal act, which brings to the prison a more hopeless, incorrigible and desperate set of men.

Lastly, and most important, a radically wrong system of administration, which ties the hands of the warden, deprives the board of prison commissioners of proper authority, gives little or no control of them to the governor, but divides responsibility and power between the warden, prison commissioners, governor and council, in a way to make the system impotent, and, but for its serious results, ridiculous. It is almost incredible that an institution which requires strict discipline, the hearty, loyal co-operation of the officers in charge, adequate power in its head, absolute control by him of his subordinates, fixed

responsibility everywhere in its administration, should be placed under a system of checks and restraints at variance with these conditions, dividing power and scattering responsibility. At present all subordinate officers to the warden, except assistant watchmen, are appointed by him only with the approval of the prison commissioners, and then "hold their offices during the pleasure of the warden and commissioners. In case of a disagreement between the warden and the commissioners in relation to the removal of any officer, the warden may appeal to the governor and council, who after reasonable notice to the commissioners and hearing, may make such removal." Practically this means that a warden who wishes to exercise necessary, responsible control by the removal of a subordinate officer, must bring charges, probably have one trial of the case with a prospect of two, involving his subordinate, himself and the prison commissioners, before, if finally successful, he gets such control.

What warden is likely to attempt to exercise authority over his subordinates with such a prospect before him, and what subordinate is likely to care much for such restricted authority in his chief? General incompetency or suspected infidelity can rarely be formulated into charges. If the warden lacks confidence in any of his subordinate officers, believes them indifferent or inefficient, or suspects them of a purpose to thwart or embarrass his administration, he should have the power to deal peremptorily with such cases, without formulating charges and conducting a trial. Success is impossible without the co-operation, discipline, confidence and loyalty between subordinates and chief, which can come only by giving absolute authority to the chief. The least that can be done to help a warden to success is to give him the right to have under him officers in whom he has entire confidence. More than one warden has seen across his path the shadows of disloyalty, indifference and intrigue, and felt powerless to act, and that failure was inevitable.

Next, the board of prison commissioners, nominally responsible for the management of the prison, at present have no power whatever over the head of that institution. And, finally, the governor, responsible generally for administration, has no power over the prison commissioners, and over the warden only with the consent of the executive council. It would be hard to devise a system better calculated to lead to failure and without responsibility.

I again recommend that the warden be given control of his subordinate officers, the board of prison commissioners control of him (if they are to remain a part of our prison system), and the governor control of them, letting each subordinate answer to his superior and the governor to the people; and I repeat the words recently addressed to you when recommending for a third time these changes: "I again dwell upon this subject, not merely because it is one of many illustrations which might be given of the inefficiency and irresponsibility of our general system of administration, but also because in this instance, as the evil may lead to serious consequences, its correction is of pressing importance." Recent events have emphasized these words and my repeated recommendations.

I suggest also for your consideration the expediency of providing for the erection of a small, separate prison for the confinement of the more desperate and incorrigible prisoners, — in accordance with the recommendation of the prison commissioners. This would permit the grading and classifying of prisoners, which, though now authorized at the state prison, is found to be impracticable there. It would, in connection with the state prison and Concord reformatory, provide for a transfer of prisoners as a system of punishment or incentive to good behavior. It would remove from the state prison and confine separately, under severest discipline, the small proportion of prisoners whose influence and efforts impair good order and discipline, and would furnish the additional accommodations which in any event will soon be needed. The commissioners declare that "such a step is absolutely necessary to restore the discipline of the prison to anything like a tolerable condition."

I believe that the facts above-mentioned account for the unsatisfactory administration of the state prison which has continued for years. While no doubt hard conditions and a bad system may be relieved by exceptional personal qualities of those in charge, yet the failure of repeated wardens to achieve entire success makes it clear that the fault is with conditions rather than with men. These conditions, to some extent at least, it is within your power to change and improve. I urge that this be done now, as a new administration takes up with courage, ability and determination its difficult task.

[To the honorable house of representatives, March 27, 1893.]

I return herewith, with my objections, a bill entitled "An Act relative to persons employed in the fire department of the city of Boston," which originated in your body.

This bill applies to a single executive department of a single city of the Commonwealth, and undertakes to regulate therein an important detail of administration, which is at present wholly controlled by the executive authority of said city and so by her citizens themselves. A general law, enacting the provision of this bill as a general policy for the state, applicable to all her cities, has been defeated by this legislature.

I fully sympathize with the desire of the legislature to lessen the hours of labor in this department, but I do not believe in the principle that the state, even to accomplish a desirable end, should interfere with the right of local self-government by the city of Boston or by any other community, or should undertake, by special law, to control a department thereof or to regulate its details.

Against such interference I have constantly protested both by recommendation and veto, frequently declaring that the right of local self-government "should be carefully conserved," and recommending "that whenever and wherever possible this right should be left in or restored to her respective cities and towns," and that "as far as possible every local community should be left to govern itself and to determine for itself questions of administration and public policy which affect its interests." I have earnestly urged that the control of the police, of which she has been most unjustly and unfortunately deprived, should be restored to the city of Boston. I am quite unwilling to sanction an attempt by the state to direct another of her departments or to interfere with its control by the proper local authority. I can think of no department in which the citizens of Boston just now have a keener interest, or over which, through their chosen servants, they should have a more direct and unhampered control, than their fire department. They know its needs and its wishes and are vitally interested in its efficiency. They appreciate, I believe, the labor, danger and faithful service of the men in this department, and are ready to grant them such relief from constant duty as is consistent with the public interest and safety.

Of these matters they are most competent and responsible to judge. I sincerely trust that their opinion expressed through their officials may agree with the opinion expressed by the legislature in this bill, but I am unwilling, by approving the bill, to say that they shall have no power to control this matter, or that a hard and fast rule shall be laid down for them in the administration of this department, which, if adopted, places the matter beyond their discretion and supervision.

Nor does it obviate this objection that the act does not take effect until approved by the mayor and city council. If this leaves to them the same power they now have, then the act is wholly unnecessary. If it does not, then it is an interference with the right of local self-government. It is clear, however, that, if approved, the control of an important part of this department will not be within the discretion as now of the city of Boston, but will be defined by statute which can only be changed by the legislature. The amended charter of Boston places this department under the executive of the city, who is immediately responsible to the people and subject to their control. Without any petition or request from him or the city council, or the department itself, but against the protest of the authorities in charge, this bill has been passed.

I regret to differ from the legislature in this matter. The end desired commends itself to my sympathy and judgment.

The general tendency to shorten the hours of labor and improve the condition of all wage earners has constantly received my official recommendation and approval. I shall be glad to coöperate with you in any wise measure or general policy, consistent with public interests, in this direction; but I believe it important also, as urged in a former message to the legislature, "jealously to guard the right of local self-government, preserve it when possible and restore it where necessary."

[To the honorable senate and house of representatives, April 17, 1893.]

At the request of the board of prison commissioners I submit herewith for your consideration the enclosed communication received by me, which suggests "such an amendment to the law governing sentences to the reformatory prison for women as will permit the imprisonment therein of women convicted in any United States court."

[To the honorable senate and house of representatives, April 24, 1893.]

I transmit herewith for your consideration a communication from the board of prison commissioners which asks for an appropriation of \$2,500 for repairing the workshop at the state prison damaged by fire on April 19, 1893.

[To the honorable senate and house of representatives, April 25, 1893.]

I transmit herewith for your consideration a communication received by me from the Boston associated board of trade and the Massachusetts state board of trade, which communication calls attention to some bills now pending before you granting to quasi public corporations special charters and privileges, and to certain provisions therein which they deem objectionable. These provisions it is alleged permit the issue of capital stock and bonded debt, and the lease, purchase, sale or consolidation of the corporations without official supervision or proper restrictions to prevent the watering of such stock and debt, and to protect the interests of the public. The petitioners request that a general law, covering these points, be enacted, "which, while permitting of the issue of such stock and bonds as may be adequate for strict business construction on the part of quasi public corporations, such as railroads, street railways, gas and water companies, and while granting such other reasonable powers as may be needed, will effectually guard against the direct or indirect watering of stocks or debt, whether by corporations hereafter organized, or by those heretofore organized, under general or special laws."

Without expressing any opinion upon pending legislation, I commend the communication to that careful and prompt consideration which the importance of the subject as well as the responsible character of the petitioners demand. The opinion of these business men, representing more than forty boards of trade and business associations within the Commonwealth, is certainly entitled to great weight upon a business question of this character.

[To the honorable senate, May 5, 1893.]

I herewith return with my objections the bill entitled "An Act to incorporate the town of East Longmeadow," which originated in your body. The bill provides for the division of one of the oldest and best of the towns of the Commonwealth against the earnest protest of the inhabi-

tants thereof twice formally expressed by a very large majority. Amendments to the bill providing that it shall take effect only when accepted by a majority or even by one third of the voters of the town have been rejected. The evident and earnest wish of the town upon the vital question of its continued existence in my judgment should be decisive in the absence of strong reasons justifying its forcible division. I have examined, therefore, carefully, the reasons urged for such action, the consequences which would result and the general policy of the Commonwealth upon the subject.

I find that it is the established policy of this Commonwealth, as evidenced by its legislation for many years, to allow each community to decide for itself this question.

Usually the village seeking separate incorporation has come to the legislature after formal application to the parent town and with its consent. While cases may arise of such injustice and hardship that it is impossible to obtain such consent and nevertheless inexpedient to deny the application, — yet the instances have been very few where the Commonwealth has been willing to overrule the expressed wish of the community interested, and to disregard this right of local self-government.

During the last fifty years, while there have been over one hundred and fifty petitions for town divisions but five towns have been divided against their will. Forty-six have been divided with their own consent, and one hundred applications have been opposed and defeated. This very town of Longmeadow was set off from Springfield one hundred and ten years ago with the consent and by the vote of Springfield. During the last thirty years but one town in its county has been divided, and then by vote of the parent town. This almost unbroken record of refusal by the Commonwealth to divide towns against their will makes it necessary, in my judgment, to prove strong reasons to justify such action. I do not find such reasons in this case.

It appears that the town consists of two villages some three and one half miles apart and quite distinct in the life and occupation of their inhabitants. But this fact is true of numerous towns and if sufficient to justify a forcible division of a town would lead to endless subdivision of communities into small political units where, if not constant friction, there would be difficulty and

embarrassment in proper concert of action, the more necessary as better means of communication and common public interests in schools, institutions, etc., are bringing the people closer together. The town of Falmouth, for example, consists of seven or eight different villages, many of them clearly separated by natural conditions and the life and occupation of their people. This would hardly justify the creation out of it of seven or eight towns, especially against the overwhelming protest of its people. I do not find in the case of Longmeadow any course of conduct by the majority towards the minority which constitutes a grievance and justifies a separation. There appears to have been no unfair division between the two villages of the burdens and benefits of their town government or of their town officers, no excessive tax rate or valuation and no injustice in the holding of their town meetings. On the contrary, its tax rate has been low, much below the average of the Commonwealth and the lowest in its county. I am informed that no complaint has ever been made to the assessors of unequal or unjust valuation, and that the petitioners have asked for no appropriation from the town which has not been granted, and have, through their counsel, admitted at the hearing a year ago that they came to the legislature without a grievance.

Except upon the question of division the inhabitants of the town seemed to have lived happily and prosperously together for more than a hundred years.

It further appears that if this bill is enacted, among the results which follow will be, —

First, The division of a town at present below the average of the towns of the Commonwealth in population, area, polls and voters, and below the average population of the nineteen towns of its county.

Second, The creation of a town with a population of only five hundred and seventy and a little over one hundred voters, and without a single industry, — a town smaller than any in Bristol, Norfolk and Essex counties, or, with six exceptions, in Plymouth, Worcester and Middlesex counties.

Third, That there will be great inequality made by the division in the burdens of taxation and town government upon the two villages; that substantially the whole of the bank and corporation tax will go to the smaller village

and will be sufficient to pay for the care of its highways, schools and poor; that on the basis of past expenditure the tax rate of the smaller village can be reduced from \$9.50 per thousand to about \$4, while the tax rate of the larger village would be increased to over \$13.

The Commonwealth is asked, therefore, against the emphatic protest of this town, to interpose her superior authority and forcibly to divide it, with no substantial grievance as the basis of such action, but with the certainty that there will result great inequality in the burdens upon the separated villages.

I believe such action is not only contrary to a sound and well-established policy of the Commonwealth, but also to a just and healthy public sentiment, which seeks to lessen rather than increase the great inequality in taxation and in the public burdens and benefits between different localities.

While the rights of a minority in any community should be carefully protected and upheld, the rights of a majority in such community are also entitled to respect. Among these is the fundamental right, if not forfeited by their own misconduct or controlled by a supreme public necessity, of preserving undivided and unimpaired their town existence with its history and traditions, its long and honorable life.

[To the honorable senate and house of representatives, May 25, 1893.]

I transmit herewith for your consideration a communication this day received by me from the board of prison commissioners, requesting an additional appropriation for the completion of the extension of the state prison at Charlestown, together with an itemized statement of the expenditures incurred and an estimate in detail of the amounts that will be required to finish the work.

CHANGE OF NAMES.



CHANGE OF NAMES OF PERSONS.

In compliance with the requirement of the Public Statutes, Chap. 148, Sect. 14, returns of the following changes of names have been received in the office of the secretary of the Commonwealth, as decreed by the several judges of the probate courts in their respective counties:—

BARNSTABLE COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1892.			
Jan. 12,	Frederick Reed,*	Paul Alexander Clark,	Wellfleet.
April 19,	Edwin Ray,*	Edwin Ray Snow,	Yarmouth.
19,	Phebe S. Eldridge,	Phebe Shurtleff,	Yarmouth.
June 21,	Alton B. Wixon,*	Alton B. Long,	Dennis.
Dec. 13,	Ossie W. Chase,*	Franklin Thomas Dean,	Dennis.

BERKSHIRE COUNTY.

Jan. 5,	Mary McNulty,*	Mary Hourahan,	North Adams.
5,	William McNulty,*	William Cassidy,	North Adams.
Feb. 2,	Ida Decker,*	Ruth Laura Phillips,	Cheshire.
March 1,	Guy Asabel Campbell,*	Guy Asabel Campbell Lawrence,	Lenox.
1,	Marguareta Perce,*	Hazel Lorrenna Shultis,	North Adams.
1,	Fred Burnside Place,*	Fred Burnside White,	North Adams.
2,	Ora I. Clark,*	Ora I. Lees,	Florida.
Nov. 9,	Harry Decker,*	Harry Dearing,	Great Barrington.
9,	Alice Woods Jacobs,*	Mabel May Stearns,	Dalton.
9,	Annie Pratt,*	Mertie A. Allen,	North Adams.

BRISTOL COUNTY.

March 4,	Francis Dowd,*	Francis Dowd Mannion,	New Bedford.
April 1,	Louisa Harriet,*	Louisa Alice Wetherell,	Dighton.
1,	Louise E. Adshead,	Louise E. Goddard,	Fall River.
May 6,	Fred Manchet,	Fred Mansfield,	Raynham.
July 1,	Clarinda Bouthiette,*	Clarinda Plante,	New Bedford.
Sept. 16,	Madeline Dwart,*	Madeline Sampson,	New Bedford.
Nov. 4,	Geo. H. Stephens,	Charles Bradly Gustin,	Attleborough.
Dec. 2,	Mary A. Connelly,*	Hester Crawford Wade,	Easton.
2,	Horace Lincoln Cushing,*	Horace Cushing Mills,	New Bedford.
2,	Malvinia F. Holman,*	Malvinia Holman Goff,	Fall River.

DUKES COUNTY.

Feb. 10,	Chester Campbell,*	Walter Loyd Mayhew,	Chilmark.
April 5,	Dorothy Clark,*	Eliza May Stratton,	Cottage City.

* Changed by reason of adoption.

ESSEX COUNTY.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1892.			
Jan. 4,	Effie M. Hersey,*	Ethel Marie Trask,	Lynn.
18,	Mary F. Murphy,*	Mary Frances Weld,	Boston.
Feb. 15,	Joseph Birmingham,*	Joseph Ahern,	Peabody.
March 7,	Augustine W. Rich (second),	Augustine Hall Rich,	Swampscott.
14,	Milton L. Goodere,*	Roy Henry DeLand,	Lynn.
14,	Helen M. Hall,*	Helen Meredith Hall Ellison,	Haverhill.
14,	— Roberts,*	Ruth Charlotte Josephine Mortenson,	Gloucester.
April 4,	Philomine Lapointe,*	Philomine Côté,	Lynn.
11,	Frank E. Higgins,*	Frank Ellis Jellison,	Lynn.
18,	— Siefert,*	Marion Leroy Janvrin,	Boston.
June 6,	Nettie Palm,*	Hildah Myers,	Tewksbury.
20,	Emma C. Loftus,*	Emma Christina Blomquest,	Lawrence.
July 18,	— Page,*	Rebecca Mercy Eldridge,	Lynn.
Aug. 1,	Leola M. Verrill,*	Leola Morton Kimball,	—.
1,	Eva M. Nutter,*	Eva May Bowen,	Haverhill.
Sept. 6,	Raymond H. Pool,*	Raymond William Sargent,	Rockport.
Oct. 3,	Thomas Huggup,*	James Arthur Byers,	Beverly.
3,	Paul Webber,*	Stanley Webber Annable,	Boston.
10,	Ralph C. Eaton,*	Ralph C. Stockbridge,	Haverhill.
17,	Raymond McGlynn,*	Raymond George Robinson,	Lawrence.
17,	Agnes Mabel Bogart,*	Agnes Mabel Pyne,	Lynn.
24,	Annie O'Leary,*	Annie Maud Mercer,	—.
Nov. 7,	Alexander Hissoire,	Alexander Hissoire Brown,	Haverhill.
14,	Alice L. Armstrong,	Alice Lillian Jenkins,	Lynn.
21,	Alonzo H. Grant,*	Roy Alonzo Hainer Torrey,	Haverhill.
Dec. 19,	Charles E. Whittier,*	Charles Edward Shackleton,	Lawrence.
19,	William Ropes,	William Colby Ropes,	Lynn.

FRANKLIN COUNTY.

Jan. 5,	David Manning Purrington,*	David Manning Purrington Bassett,	Charlemont.
March 1,	Robert Foley,*	George Francis Cohen,	Greenfield.
April 5,	Weston Kent,*	Edwin Crandall Harris,	Deerfield.
5,	Eddie (Stevens?),*	Charles Edward Stuart,	Orange.
May 3,	Grace Hutchins,*	Grace Emily Wheeler,	Orange.
17,	Lillian Rand,*	Lillian May Sanderson,	Whately.
Sept. 17,	John Montgomery,*	Albert Henry Knight,	Whately.

HAMPDEN COUNTY.

Jan. 6,	Clarence Chamberlin,*	Clarence Woodbury Cilley,	Woonsocket, R. I.
20,	Caroline Koch,*	Emily May Randall,	Westfield.
Feb. 3,	Clarence Cook,*	Elwood Clarence Keith,	Concord, N. H.
3,	Charles Shipman,*	Charles Alfred Hadd,	Springfield.
March 16,	Delia Barcumb,*	Delia DeForge,	Wilbraham.
16,	Loise Barcumb,*	Loise Le Due,	Wilbraham.
April 6,	Rosa Gravel,*	Rosa Belleville,	Springfield.
6,	Ruth Mabel Woodcock,*	Ruth Mabel Griffin,	Springfield.
June 1,	Ann Eliza Phillips,	Ann Eliza Watson,	Chicopee.
15,	Isaac Covensky,	Isaac Coven,	Springfield.
15,	Frances Eggleston,*	Gladys Emeline Chapin,	Westfield.
July 22,	Charles Raymond Savage,*	Charles Raymond Mitchell,	Springfield.
Sept. 14,	Harry Andrew Carroll,*	Harry Andrew Russell,	Springfield.
Oct. 5,	Mabel Zeigler Benjamin,*	Mabel Zeigler Olmstead,	Springfield.
19,	Catherine Curtin,*	Catherine Cavanaugh,	Holyoke.
Dec. 7,	Frederick Connor,*	Frederick Stevenson,	Holyoke.

* Changed by reason of adoption.

CHANGE OF NAMES.

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HAMPSHIRE COUNTY.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1892.			
March 1,	Susan P. Wesley,*	Susan Wesley Steele,	Hyde Park.
1,	Milicent Wesley,*	Milicent E. Hawley,	Hyde Park.
April 5,	Bertha K. Bates,*	Bertha Hattie Morrison,	Southampton.
5,	Lois Ethel Cushman,*	Lois Ethel Angell,	Huntington.
June 5,	Frank Tufts,	Frank Kinne,	Chesterfield.
July 5,	Catherine Hiner,*	Catherine O'Donnell,	Easthampton.
Aug. 9,	Elmer Arthur Brigham,*	Harrison Franklin Wilbur,	Amherst.
Sept. 6,	Nellie Grace Culver,*	Nellie Grace Streeter,	Worthington.
13,	Euclid Geoffrion,*	Euclid Charbonneau,	St. Anne, Canada.
13,	Louis Geoffrion,*	Louis Charbonneau,	St. Anne, Canada.
Dec. 6,	Laura Pearl Gilman,*	Pearl Gilman Scott,	Boston.
6,	William Hall,*	Eugene Norman Durkee,	Boston.
13,	Lena Kuntzel,*	Lena Kuntzel Gates,	Agawam.
13,	Margaret Thompson,*	Bertha Louise Rice,	Worcester.

MIDDLESEX COUNTY.

Jan. 5,	Archie R. Sweatland,*	Archie Harmon,	Belchertown.
12,	Harrison Otis Barnes,*	Harrison Otis Pickering,	Everett.
19,	Clara Frances Murphy,*	Clara Frances O'Keefe,	Somerville.
26,	Gertrude Foster,*	Elsie Theresa Collins,	Cambridge.
Feb. 2,	William Herbert Folsom,	William Gray Folsom,	Newton.
9,	Kate Ayers Claflin,	Kate Ayers Green,	Arlington.
9,	James Snow,*	Harwood Dillon Granger,	Medford.
9,	Ellen Collins,*	Ellen Shea,	Marlborough.
16,	Laura Maud Kingsley,*	Edlie May Hurlbut,	Wakefield.
23,	Gertrude Sylvester,*	Gertrude Sylvester Harrington,	Boston.
March 1,	Horatio Fogg Tibbetts,	Horatio Fogg Twombly,	Frammingham.
1,	Annie Dean,*	Jessie May Snow,	Wakefield.
8,	Nellie Matthews,*	Helen Amelia Dimon,	Lowell.
22,	Daisy Watrous,*	Mary Anna Clark Dexter,	Melrose.
22,	Robert Moran,*	Robert Chester Smith,	Milton.
22,	Emma Amelia Park,*	Emma Amelia Sylvester,	Newton.
22,	William Austin Dakin,*	William Austin Perkins,	Hopewell, N. B.
April 5,	Florence Minetta Capron,*	Florence Minetta Butters,	Wrentham.
19,	Laurice Taylor Russell,*	Laurice Taylor Moreland,	Arlington.
19,	Mary Simpson Whitman,*	Leslie Field Farrington,	Lowell.
May 17,	Frederick Owen Coombs,*	Frederick Owen Stuart,	Malden.
24,	Sarah Elvira Williamson,*	Sarah Elvira Blake,	Lowell.
June 7,	Edward Emil Horn,	Edward Emil Weisbach,	Cambridge.
14,	Dora Sumner,*	Dorothy Bouvé,	Cambridge.
14,	Emma Maria Knight,*	Emma Marie Taylor,	Everett.
21,	Elmer Augustus Wright,*	Elmer Augustus Gilson,	Lawrence.
21,	Frank Eagan,*	Frank Irving Melvin,	Cambridge.
28,	William Albert Smith,	William Albert Somers,	Somerville.
28,	Agness Gertrude Bruce,*	Agness Gertrude Phelps,	Hudson.
July 5,	Ida Bell Gromer,*	Ida Bell Percy,	Cambridge.
26,	Flora Barton,*	Florence Rose Nichols,	Monson.
Sept. 6,	Beatrice Akiesson,*	Beatrice Emma Bishop,	Boston.
6,	Charles S. Barrows,*	Charles S. Carr,	Everett.
6,	Walter A. Felker,	Albert Johnson Stackpole,	Lowell.
6,	Charles F. M. Fisher,	Charles Fordice Meade Fish,	Chelmsford.
6,	Katie Fogarty,*	Katie Murphy,	Waltham.
6,	Ethelwyn Sophia Matthews,	Ethelwyn Sophia Bailey,	Malden.
6,	Charles Raphael McIntyre,*	Clarence Eugene Foster,	Boston.
6,	Lucinda B. Pocknett,*	Lulu Frances Martin,	Cambridge.
6,	Ethel Gertrude Townsend,*	Ethel Gertrude Ormsby,	Malden.
6,	Frank Lester Wyman,*	Frank W. Bulette,	Ludlow, Vt.
Oct. 4,	Augusta Severin,*	Myrtle Gladys White,	Boston.
11,	Ebba Robinson,*	Mildred March,	Easton.
11,	George W. Garland,*	George Washington Phinney,	Boston.
11,	Dora Murray,*	Dora Louise Collier,	Chelsea.
18,	Mildred Louise Gee,*	Mildred Louise Finney,	U. Wicklow, N.B.
25,	Annie L. Garbit,	Annie Louise Ralph,	Cambridge.

* Changed by reason of adoption.

MIDDLESEX COUNTY — CONCLUDED.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1892.			
Oct. 25,	Clara F. Garbit,	Clara Frances Ralph,	Cambridge.
25,	Frederick E. Garbit,	Harold Edward Ralph,	Cambridge.
25,	Roy Horton,*	Clayton Roy Fuller,	Lynn.
Nov. 9,	Mabel Bruce,*	Mabel Ethel Newell,	Boston.
15,	Rhoda Eunice Judd,*	Mildred Eleanor Blodgett,	Stanstead, P. Q.
22,	Mabel Swett,*	Mabel Barss,	Boston.
22,	Otis Henry Bamford,*	Harold Everard Carleton,	Haverhill.
22,	Harry J. Smith,*	Harry Johnson Colby,	Cambridge.
Dec. 6,	George Dionne,	George Gibson,	Newton.
6,	Phillip Dionne,	Phillip Gibson,	Newton.
6,	Bertha Leona York,*	Ruth Miles Bailey,	Harrison, Me.
13,	Ralph Eaton,*	Ralph Eaton Brown,	Waltham.
13,	John Trull Swords,	John Swords Trull,	Belmont.
20,	Irene Coffey,*	Mildred Alice Linnell,	Somerville.
20,	Harry Dwight Corey,	Harold Dwight Corey,	Newton.
27,	Susie Victoria Lehr,*	Florence Louise Campbell,	Boston.

NORFOLK COUNTY.

Jan. 6,	Maud Barrows Upson,*	Maud Barrows Dutton,	Plantsville, Conn.
6,	Mabel Lillian Upson,*	Mabel Lillian Dutton,	Plantsville, Conn.
6,	George Abbot Weld,	Abbot Morse,	Stoughton.
6,	Catherine Alice Weld,	Catherine Alice Morse,	Stoughton.
6,	Herbert Abbot Weld,	Herbert Abbot Morse,	Stoughton.
6,	Eugene Weld,	Eugene Morse,	Stoughton.
20,	Harold Reynolds,*	Florence Beatrice Tucker,	Stoughton.
Feb. 3,	Edith Munson,*	Pansy Edna Allen,	Boston.
3,	Florence Beatrix Phillips,*	Florence Beatrice Sabray Diman,	Boston.
10,	Elsa Dahl,*	Elsa Frolund,	Sweden.
June 8,	Maybell Lee Batson,*	Maybell Lee Wood,	New Brunswick.
22,	Emma Forbes,	Emma Morton,	Sharon.
July 20,	Louis Albert Hall,*	Louis Albert Langsdale,	Newton.
27,	Mary Frances Murphy,*	Frances Althea Smith,	Denver.
Sept. 7,	Lilias Jordan Rattray,*	Lilias Jordan Rattray McIntosh,	Ontario.
21,	Samuel McGlynn,*	Samuel James Bunker,	Weymouth.
28,	— Mitchell,*	George Weston Abbott,	Chelsea.
Nov. 16,	Ashton Fay McQuarry,*	Ashton Fay McLeod,	Boston.
Dec. 7,	George Washington Eliot,	George Worcester Eliot,	Brookline.

PLYMOUTH COUNTY.

Feb. 8,	Mildred Ellis Cole,*	Mildred Cole Cushman,	Kingston.
March 22,	Martha J. Kimball,	Martha J. Perkins,	Brockton.
25,	Franklin Cahoon,*	John Franklin Ryder,	Wareham.
April 25,	Richard Stevenson,*	Richard Tolman,	Hingham.
May 9,	Ullie Cushing,*	Annie May Morey,	Brockton.
June 27,	Bertha Augusta Beyerleib,*	Elvira Augusta Johnson,	Brockton.
27,	Warren Bickford,*	Warren Henry Tobey,	Brockton.
Sept. 12,	Esther Herff,	Eva May Bumpus,	Brockton.

SUFFOLK COUNTY.

Jan. 11,	Arthur Henry,*	Arthur Ford,	Boston.
18,	John S. Dalton,*	John Suinburne Dalton Mills,	Boston.
25,	Daisy Rogers,	Marguerite Rogers,	Boston.
25,	Bertha Ford,*	Bertha Sands,	Boston.
Feb. 1,	Joseph E. Longlois,	Joseph E. Long,	Boston.

* Changed by reason of adoption.

CHANGE OF NAMES.

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SUFFOLK COUNTY—CONTINUED.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1892.			
Feb. 8,	Gertrude Pauline Knight,*	Gertrude Pauline Potter,	Amesbury.
8,	Annie Elizabeth Cashman,*	Christine Larain Mansfield,	Newburyport.
15,	Mildred Hatch,*	Mildred Hastings,	Boston.
15,	Herbert Washington Chase,*	Herbert Washington Zarro,	Boston.
23,	Della Sidney Cullen,*	Dorothy Lucas,	Malden.
29,	Mary Josephine Pitts,*	Mary Josephine McCarthy,	Boston.
29,	George McDuff,*	George Nelson Dawes,	Boston.
March 7,	Harry Proctor or Harry Harding,*	Jesse Allen Holton,	Boston.
14,	Isabella Sebley,*	Isabella Williams,	Winchester.
14,	Charles E. Staples,*	Charles E. Kimball,	Boston.
14,	Mary M. Lynch,*	Mary M. Cluney,	Lubec, Me.
14,	Marion Frances Graves,	Marion Frances Reed,	Boston.
21,	Geo. Widgery Brown,	Geo. Widgery Andrews,	Boston.
21,	Joseph Sullivan,*	William Henry Parry,	Boston.
21,	Hattie Comeford,*	Harriet Fellner,	Boston.
21,	Mertys Ada Schreiber,*	Mary Ethel Langtry,	Methuen.
28,	Isabella Weiss,	Isabella White,	Boston.
28,	Max Weiss,	Max White,	Boston.
28,	Charles Louis Sheidegger,	Charles Delmont,	Boston.
28,	Frederick Siedel,*	Frederick Reisser,	Boston.
April 4,	John Darney,*	William Saunders,	Boston.
18,	Ruth McDonald,*	Mary Ruth Clark,	Boston.
23,	Lilly M. Golfrey,*	Lilly M. Lester,	Boston.
25,	Hattie Irene Sherman,*	Hattie Irene Pond,	Boston.
May 25,	Josephine Thayer,*	Maude Good,	—.
9,	Lawrence Sincok,	Lawrence Sincok,	Boston.
9,	John Rowe Wright,	John Wright Rowe,	Boston.
16,	Willie H. Grieves,*	Willie Grieves Carter,	Boston.
23,	Ralph Kingston,*	Ralph Kingston Riggs,	Boston.
23,	Nellie Roughedge,	Elinor Amelia Smith,	Waltham.
23,	Walter Grafton,*	Wm. Stewart Colburn,	Chelsea.
24,	John Killam McEacham,*	John Killam Daley,	Chelsea.
31,	Joseph Ness,	Joseph Van Ness,	Boston.
31,	Lillie Katie Dixon,	Lillie Dixon Fay,	Boston.
31,	Collinwood Taylor,*	Archibald Emerson,	Boston.
June 9,	Winifred Izozeila Bruce,*	Winifred Bruce Jacobs,	Boston.
13,	Thomas William Daley,	Thomas William Dale,	Boston.
13,	Olivia Kirstine Johnson,*	Olivia Kirstine Cutter,	Boston.
18,	Aurelius Richards,*	Frank Leslie Richards,	Boston.
25,	Marion Elizabeth Corish,*	Marion Elizabeth Gilman,	Boston.
25,	Mary Keohane,*	Mary Gilogly,	Boston.
25,	Ellen Keohane,*	Ellen Gilogly,	Boston.
July 7,	Herbert Hasty,*	Herbert Whiting Russell,	Boston.
14,	Leopold Paul Weiss,	Leopold Paule White,	Boston.
21,	Ruth Notman,	Ruth Sloane,	Boston.
21,	Bertha Houghton Notman,	Bertha Houghton Sloane,	Boston.
21,	George Sloane Notman,	George Sloane,	Boston.
28,	Harry M. Pakulski,	Harry M. Parker,	Boston.
28,	Johan C. W. Stolzenwaldt,	John Charles Carlson,	Boston.
Aug. 18,	Samuel Webber,*	Samuel Augustus Goddard,	Boston.
18,	Edward Murray,*	Francis Edward Sindona,	Boston.
Sept. 1,	May Ells Aldrich,	Ella Aldrich,	Boston.
1,	Joseph Barrett,*	Joseph Flagg,	Boston.
1,	John William Ellis,	John William Marshall,	Boston.
8,	Ella May Leahy,*	Mary Elizabeth Foley,	Boston.
8,	Barnard Lecherzach,	Barnard L. Bernard,	Boston.
8,	Alexander Steiner,	Alexander Steiner Stanley,	Boston.
15,	Maud Gretchen Hanna,	Maud Gretchen Sutherland,	Boston.
22,	Eva May Folsom,	Eva May Butler,	Boston.
22,	Delia E. Brown,*	Elizabeth Brown Allen,	Boston.
29,	Alice Bertha Hinds,*	Alice Bertha Langille,	Boston.
Oct. 13,	Mary Emily Moore,*	Mary Emily Conway,	Boston.
20,	Charles McAllister,	Charles Arthur Marston,	Boston.
Nov. 3,	Lillie Chantrey,*	Lillian Mildred Dixon,	Lawrence.
10,	Sophia Mary Dousett,*	Sophia Mary Bundy,	Boston.
10,	Frank O'Bryant,*	Nathaniel LeRoy,	Boston.
17,	Rowena Carver,*	Clara May Anderson,	—.

* Changed by reason of adoption.

SUFFOLK COUNTY — CONCLUDED.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1892.			
Nov. 17,	Francis P. Riordan,*	Francis P. O'Connor,	Boston.
23,	Clara Blanche Patten,*	Clara Blanche Castle,	Boston.
25,	Ernest Arthur Paige,*	John Lowell Brigham,	Chelsea.
25,	Ruth Donovan,*	Ruth Marion Parker,	—.
25,	Edward Wall,*	Edward May Pease,	—.
Dec. 1,	Carrie A. Dowlin,	Carrie A. Patterson,	Boston.
22,	Mary Elizabeth Bemis,*	Mary Elizabeth Ormsby,	Boston.
29,	Mary J. Long,*	Mary Kiernan,	Boston.
29,	Charles Rasmussen,	Charles Robertson,	Boston.
29,	Annie Roth,*	Annie Moore,	Boston.
29,	Grace Viola West,*	Grace Viola Rich,	Boston.

WORCESTER COUNTY.

Jan. 15,	Jane Comrie,*	Gladys Wetherbee Beane,	Worcester.
26,	Mary Jane McNeill (alias Bessie Prindle),*	Mildred Joy Ladd,	Ashburnham.
Feb. 2,	Edgar R. Davie,	Edgar R. Webber,	Worcester.
2,	Frederick Albee,*	Bertie Edwin Bemis,	Barre.
2,	Florence Campbell,*	Florence Gertrude Nash,	West Brookfield.
2,	Herbert Ready,*	Herbert Cowden,	Worcester.
2,	Walter Clifford Barstow (alias Robert Alexander),*	Clarence Henry Ladd,	Sturbridge.
5,	Lydia E. Lebeau,*	Luther William Hayward,	New Haven, Ct.
23,	Francis Wilmot Woodman,*	Lydia E. Wilmot,	Uxbridge.
March 4,	Hattie Louise Amsden,*	Angelo Capuro,	Worcester.
15,	Marion Hawes Chute,	Lizzie Ella Grimes,	Petersham.
15,	Florence M. Pease,*	Marion Hoyt Chute,	Northborough.
23,	Agnes Etta Magowan,*	Florence May Pease Fuller,	Charlton.
April 1,	Annie Whitehead,*	Madeline Russell,	Worcester.
5,	William Francis Sharkey,*	Blanche Isetta Graves,	Milford.
5,	Mary Manning,*	William Francis Crane,	Leicester.
5,	Nellie Josephine Fanning,	Adele Bullard,	Westborough.
12,	Walter Pomeroy,*	Helen Josephine Fanning,	Worcester.
12,	Lucia Corning,*	Charles Milton Scollay,	Worcester.
19,	Sarah R. Howe,	Lucia Barnard,	Worcester.
19,	Emily Isabel Oakley,	Sarah R. Fuller,	Athol.
May 3,	Agnes Lemieux,*	Harriet Emily Lane,	Worcester.
17,	Adelia Marion Hill,	Alice Maud Tibbetts,	Worcester.
24,	—,*	Adelia Marion Fay,	Worcester.
24,	Mary Ellen Leary,*	Louis Sargent Rockwood,	Ashburnham.
June 7,	George Lucier,*	Elizabeth Hennessey,	Fitchburg.
24,	Etta Jane Skinner,*	George Lajore,	Worcester.
July 8,	George W. Eastman,*	Etta Jane Sprague,	Harvard.
Aug. 9,	George Nelson Cutler,*	George W. Freeman,	Gardner.
Sept. 6,	May Etta Kelley,*	George Nelson Rose,	Fitchburg.
Oct. 7,	Ralph Benway,*	Bertha Rosa Dugar,	Oxford.
18,	Emma Jane Young (otherwise known as Grace Boynton),	Charles Otis Warner,	Worcester.
21,	Arthur Judisch,*	Grace Boynton Gould,	Worcester.
25,	Carrie L. Getchell,*	Arthur Bonat,	Webster.
25,	Gertrude Evans,*	Carrie L. Page,	Leominster.
Nov. 1,	William Christian Niedermeyer,*	Gertrude Eva Barnes,	Stirling.
4,	Fred Nason Whittier,*	Christian William Jacobson,	Fitchburg.
22,	Edith Ammon,*	Fred Beaman Woodbury,	Sutton.
22,	Eva E. Lord,*	Edith Agnes Dell Whitaker,	Leicester.
23,	Mildred Alice Thresher,*	Eva E. Pierce,	Leominster.
Dec. 6,	—,*	Mildred Alice Hastings,	Spencer.
30,	Faith Hunter,*	Mildmay Ozro Crawford,	Oakham.
		May Houghton Gates,	Worcester.

* Changed by reason of adoption.

THE
CIVIL GOVERNMENT

OF THE
Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH
FOR THE POLITICAL YEAR

1893.



EXECUTIVE DEPARTMENT.

HIS EXCELLENCY

WILLIAM E. RUSSELL,

GOVERNOR.

CHARLES WARREN *Private Secretary.*

EDWARD F. HAMLIN *Executive Clerk.*

HIS HONOR

ROGER WOLCOTT,

LIEUTENANT GOVERNOR.

COUNCIL — (By Districts).

I.—ZIBA C. KEITH Brockton.

II.—DAVID HALL RICE Brookline.

III.—JOSEPH R. LEESON Newton.

IV.—JAMES DONOVAN Boston.

V.—ARTHUR B. BREED Lynn.

VI.—LUMAN T. JEFFS Hudson.

VII.—GEORGE F. MORSE Leominster.

VIII.—ELISHA MORGAN Springfield.

WILLIAM M. OLIN,

SECRETARY OF THE COMMONWEALTH.

ISAAC H. EDGETT, *1st Deputy.* GEORGE G. SPEAR, *2d Deputy.*

GEORGE A. MARDEN,

TREASURER AND RECEIVER GENERAL.

JOHN Q. ADAMS, *1st Clerk.* GEORGE S. HALL, *2d Clerk.*

WENDELL P. MARDEN, *Cashier.*

JOHN W. KIMBALL,

AUDITOR OF ACCOUNTS.

WILLIAM D. HAWLEY, *1st Clerk.* JAMES POPE, *2d Clerk.*

ALBERT E. PILLSBURY,

ATTORNEY-GENERAL.

GEORGE C. TRAVIS *First Assistant Attorney-General.*

CHARLES N. HARRIS *Second Assistant Attorney-General.*

LEGISLATIVE DEPARTMENT.

GENERAL COURT.

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1886.

SENATE.

President — ALFRED S. PINKERTON.

District.	Name of Senator.	Residence.
First Suffolk, . .	Albert S. Burnham, . .	Revere.
Second " . .	John H. Dee, . .	Boston.
Third " . .	John F. Fitzgerald, . .	Boston.
Fourth " . .	Patrick J. Kennedy, . .	Boston.
Fifth " . .	Henry Parkman, . .	Boston.
Sixth " . .	Edward J. Leary, . .	Boston.
Seventh " . .	Abraham C. Ratshesky, . .	Boston.
Eighth " . .	Herbert L. Baker, . .	Boston.
Ninth " . .	Francis W. Kittredge, . .	Boston.
First Essex, . .	Charles H. Baker, . .	Lynn.
Second " . .	Francis T. Berry, . .	Salem.
Third " . .	Luther Dame, . .	Newbury.
Fourth " . .	Edward P. Shaw, . .	Newburyport.
Fifth " . .	Samuel L. Sawyer, . .	Danvers.
Sixth " . .	Richard A. Carter, . .	Lawrence.
First Middlesex, . .	William B. Lawrence, . .	Medford.
Second " . .	Henry S. Milton, . .	Waltham.
Third " . .	John Read, . .	Cambridge.

District.	Name of Senator.	Residence.
Fourth Middlesex, .	Maurice F. Coughlin, .	Holliston.
Fifth " .	Elisha H. Shaw, .	Chelmsford.
Sixth " .	Charles F. Brown, .	Reading.
Seventh " .	Frederick Lawton, .	Lowell.
First Worcester, .	Stephen Salisbury, .	Worcester.
Second " .	George K. Nichols, .	Grafton.
Third " .	Eben S. Stevens, .	Dudley.
Fourth " .	Alfred S. Pinkerton, .	Worcester.
Worcester and Hamp- shire,	George H. B. Green, .	Belchertown.
First Hampden, .	Solomon F. Cushman, .	Monson.
Second " .	William P. Buckley, .	Holyoke.
Franklin, . . .	Joseph F. Bartlett, .	Montague.
Berkshire, . . .	Stephen A. Hickox, .	Williamstown.
Berkshire and Hamp- shire,	Henry A. Kimball, .	Northampton.
First Norfolk, . .	John F. Merrill, .	Quincy.
Second " . . .	William F. Ray, .	Franklin.
First Plymouth, .	Francis P. Arnold, .	Pembroke.
Second " . . .	Hiram A. Monk, .	Brockton.
First Bristol, . .	Everett S. Horton, .	Attleborough.
Second " . . .	Robert Howard, .	Fall River.
Third " . . .	William M. Butler, .	New Bedford.
Cape,	John Kenrick, Jr., .	Orleans.

HENRY D. COOLIDGE, *Clerk.*
 EDMUND DOWSE, *Chaplain.*
 JOHN G. B. ADAMS, *Sergeant-at-Arms.*

HOUSE OF REPRESENTATIVES.

Speaker — WILLIAM E. BARRETT.

COUNTY OF SUFFOLK.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1,	{ Lewis Burnham, . Frank C. Wood, .	Boston. Boston.
2d,	Boston, Ward 2,	{ William J. Donovan, Benjamin J. Sullivan,	Boston. Boston.
3d,	Boston, Ward 3,	{ John J. Mahoney, . James E. Hayes, .	Boston. Boston.
4th,	Boston, Ward 4,	{ Myron D. Cressy, . Jerem'h J. McCarthy,	Boston. Boston.
5th,	Boston, Ward 5,	{ Michael J. O'Brien, Charles M. Dacey, .	Boston. Boston.
6th,	Boston, Ward 6,	{ Jeremiah J. Crowley, Wm. H. McInerny, .	Boston. Boston.
7th,	Boston, Ward 7,	{ Patrick F. Brogan, . Cornelius H. Toland,	Boston. Boston.
8th,	Boston, Ward 8,	{ Hugh McLaughlin, Michael B. Gilbride,	Boston. Boston.
9th,	Boston, Ward 9,	{ Charles E. Harris, . George v. L. Meyer,	Boston. Boston.
10th,	Boston, Ward 10,	{ Bowdoin S. Parker, . Marcus C. Cook, .	Boston. Boston.
11th,	Boston, Ward 11,	{ Royal Robbins, . Thomas Russell, .	Boston. Boston.
12th,	Boston, Ward 12,	{ John Quinn, Jr., . Daniel P. Toomey, .	Boston. Boston.
13th,	Boston, Ward 13,	{ Joseph J. Kelly, . Thomas A. Quinn, .	Boston. Boston.
14th,	Boston, Ward 14,	{ James F. Gleason, . Daniel J. Kinnaly, .	Boston. Boston.

COUNTY OF SUFFOLK — CONCLUDED.

District	Town or Ward.	Name of Representative.	Residence.
15th,	Boston, Ward 15,	{ William H. McMorrow Enoch J. Shaw, .	Boston. Boston.
16th,	Boston, Ward 16,	{ Isaac Rosnosky, . John L. Murphy, .	Boston. Boston.
17th,	Boston, Ward 17,	{ Richard J. Hayes, . James H. Doyle, .	Boston. Boston.
18th,	Boston, Ward 18,	{ Augustus G. Perkins, George E. Lovett, .	Boston. Boston.
19th,	Boston, Ward 19,	{ Charles H. Bryant, . William J. Dolan, .	Boston. Boston.
20th,	Boston, Ward 20,	{ John J. Hoar, . . John Golding, . .	Boston. Boston.
21st,	Boston, Ward 21,	{ Benjamin F. Brown, John S. Richardson,	Boston. Boston.
22d,	Boston, Ward 22,	. Richard Sullivan, .	Boston.
23d,	Boston, Ward 23,	{ Salem D. Charles, . James A. Tilden, .	Boston. Boston.
24th,	Boston, Ward 24,	{ Frederic W. Bliss, . John E. Tuttle, .	Boston. Boston.
25th,	Boston, Ward 25,	. Granville A. Fuller,	Boston.
26th,	Chelsea, Wards 1,2,3,	{ Charles H. Holmes, George H. Buck, .	Chelsea. Chelsea.
27th,	{ Chelsea, Ward 4, . Revere, . . . Winthrop, . . }	{ Thomas W. Rich, . Arthur B. Curtis, .	Chelsea. Revere.

COUNTY OF ESSEX.

1st,	{ Salisbury, . . Amesbury, . . Merrimac, . . West Newbury, . }	{ John J. Prevaux, . George E. Ricker, .	Amesbury. Merrimac.
2d,	{ Haverhill, Wards 1, } 2, 4, 6, . . }	{ Warren Hoyt, . . Nathaniel C. Bartlett,	Haverhill. Haverhill.

HOUSE OF REPRESENTATIVES.

COUNTY OF ESSEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Haverhill, Wards 3, } 5, } { Methuen, } Bradford, }	Robert A. Richardson, Edward J. Donahue, .	Haverhill. Haverhill.
4th,	{ Lawrence, Wards 1, } 2, 3, }	Dennis E. Halley, . Thomas A. Brooks, .	Lawrence. Lawrence.
5th,	{ Lawrence, Wards 4, } 5, 6, }	James H. Derbyshire, *John Haigh, . . .	Lawrence. Lawrence.
6th,	{ Andover, } North Andover, . }	James B. Smith, .	Andover.
7th,	{ Groveland, . . . } Georgetown, . . . } Boxford, }	Gardner S. Morse, .	Boxford.
8th,	{ Newburyp't, Wards } 1-6, }	Oliver B. Merrill, . Eben S. Dole, . . .	Newburyport. Newburyport.
9th,	{ Rowley, } Ipswich, }	Phineas A. Dodge, .	Rowley.
10th,	{ Gloucester, Wards } 1, 3, 4, 5, 6, 7, 8, . } Essex, }	Sylvanus Smith, . . Clarence E. Richardson, Jacob Tucker, . . .	Gloucester. Gloucester. Gloucester.
11th,	{ Gloucester, Ward 2, } Rockport, . . . }	George H. Friend, .	Gloucester.
12th,	Beverly,	George A. Galloupe, .	Beverly.
13th,	Salem, Wards 1, 2, .	Samuel A. Potter, .	Salem, .
14th,	Salem, Wards 3, 5, .	Joseph L. Lougee, .	Salem.
15th,	Salem, Wards 4, 6, .	William D. Dennis, .	Salem.
16th,	Marblehead, . . .	Frank L. Wadden, .	Marblehead.
17th,	{ Swampscott, . . . } Lynn, Wards 2, 3, . }	Eugene A. Bessom, . Charles T. Jackson, .	Lynn. Swampscott.

* Declared elected February 15; qualified February 16.

COUNTY OF ESSEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
18th,	{ Lynn, Ward 4, . . }	Lewis H. Bartlett, .	Lynn.
	{ Nahant, . . . }	John B. Newhall, .	Lynn.
19th,	{ Lynn, Wards 1, 5, . }	Amos Beckford, .	Lynn.
	{ Lynnfield, . . . }	George C. Higgins,	Lynn.
20th,	{ Lynn, Wards 6, 7, . }	Herbert C. Bayrd, .	Lynn.
	{ Saugus, . . . }	William W. Lowe, .	Saugus.
21st,	Peabody, . . .	Thomas Carroll, .	Peabody.
22d,	{ Danvers, . . . }	Samuel A. Fletcher,	Middleton.
	{ Middleton, . . . }		

COUNTY OF MIDDLESEX.

1st,	{ Cambridge, Wards }	James J. Myers, .	Cambridge.
	{ 1, 5, . . . }	John E. Parry, .	Cambridge.
2d,	Cambridge, Ward 2, }	Albert E. Lynch, .	Cambridge.
		Daniel H. Coakley, .	Cambridge.
3d,	Cambridge, Ward 3,	Stephen Anderson, .	Cambridge.
4th,	Cambridge, Ward 4, }	Malcolm E. Rideout,	Cambridge.
		Wm. M. Townsend,	Cambridge.
5th,	Somerville, Ward 1,	Charles H. Crane, .	Somerville.
6th,	Somerville, Ward 2,	Allen F. Carpenter,	Somerville.
7th,	{ Somerville, Wards }	George O. Proctor, .	Somerville.
	{ 3, 4, . . . }		
8th,	Medford, Wards 1-6,	William P. Martin, .	Medford.
9th,	Malden, Wards 1-7, }	Charles F. Shute, .	Malden.
		Arthur H. Wellman,	Malden.
10th,	Everett, Wards 1-6,	Frank P. Bennett, .	Everett.
11th,	Melrose, . . .	William E. Barrett,	Melrose.
12th,	Stoneham, . . .	William H. Sprague,	Stoneham.
13th,	Wakefield, . . .	Edwin C. Miller, .	Wakefield.

HOUSE OF REPRESENTATIVES.

COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
14th,	{ Woburn, Wards 1-7, } { Reading, . . . }	Michael J. Meagher, Henry C. Hall, . .	Woburn. Woburn.
15th,	{ Arlington, . . . } { Winchester, . . }	Fred Joy, . . .	Winchester.
16th,	{ Watertown, . . . } { Belmont, . . . }	John E. Abbott, .	Watertown.
17th,	Newton, Wards 1-7, {	Dwight Chester, . Edward J. H. Estabrooks, . . .	Newton. Newton.
18th,	{ Waltham, Wds 1-7, } { Weston, . . . }	Mahlon R. Leonard, Charles O. Morrill,	Waltham. Waltham.
19th,	{ Lexington, . . . } { Lincoln, . . . } { Concord, . . . } { Bedford, . . . } { Burlington, . . }	Matthew H Merriam,	Lexington.
20th,	{ Chelmsford, . . . } { Billerica, . . . } { Tewksbury, . . . } { Wilmington, . . } { North Reading, . }	Charles H. Kohlrausch, Jr, . . .	Billerica.
21st,	Lowell, Ward 1, .	Daniel Murphy, .	Lowell.
22d,	Lowell, Ward 2, .	James S. Murphy, .	Lowell.
23d,	Lowell, Ward 3, .	John W. McEvoy, .	Lowell.
24th,	{ Lowell, Wards 4, 5, } { Dracut, . . . } { Tyngsborough, . }	Ether S. Foss, . . . William H. I. Hayes, Charles F. Varnum,	Lowell. Lowell. Lowell.
25th,	Lowell, Ward 6, .	Philip J. Farley, .	Lowell.
26th,	Natick, . . .	Edgar S. Dodge, .	Natick.
27th,	{ Hopkinton, . . . } { Ashland, . . . }	*William A. Lenihan,	Hopkinton.
28th,	{ Holliston, . . . } { Sherborn, . . . } { Framingham, . . } { Wayland, . . . }	Henry E. Bullard, . George E. Cutler, .	Holliston. Framingham.

* Elected March 17; qualified March 23; in place of Samuel Crooks, deceased February 7.

COUNTY OF MIDDLESEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
29th.	{ Marlborough, Wds 1-7, Hudson, Sudbury, }	William H. Brigham, Charles Favreau, .	Hudson. Marlborough.
30th.	{ Maynard, Stow, Boxborough, Littleton, Acton, Carlisle, }	Isaiah Hutchins, .	Acton.
31st.	{ Westford, Groton, Pepperell, Dunstable, }	Frank Leighton, .	Pepperell.
32d.	{ Ayer, Shirley, Townsend, Ashby, }	William U. Sherwin,	Ayer.

COUNTY OF WORCESTER.

1st.	{ Athol, Royalston, Phillipston, }	George Whitney, .	Royalston.
2d.	{ Gardner, Winchendon, Templeton, Ashburnham, }	Moses P. Greenwood, Samuel S. Gleason, .	Ashburnham. Gardner.
3d.	{ Barre, Dana, Petersham, Hardwick, Rutland, }	William A. Warner,	Hardwick.
4th.	{ Westminster, Hubbardston, Princeton, Holden, Paxton, }	Hobart Raymond, .	Westminster.
5th.	{ Brookfield, North Brookfield, West Brookfield, New Braintree, Oakham, Sturbridge, Warren, }	Henry Page Austin, Chesselden L. Ellis,	Oakham. Brookfield.

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
6th,	{ Spencer, . . . } { Leicester, . . . }	John E. Bacon, . .	Spencer.
7th,	{ Charlton, . . . } { Dudley, . . . } { Southbridge, . . . }	Albert W. Martin, .	Southbridge.
8th,	{ Webster, . . . } { Oxford, . . . } { Auburn, . . . }	Joseph L. Woodbury,	Oxford.
9th,	{ Douglas, . . . } { Millbury, . . . } { Sutton, . . . }	Henry C. Batcheller,	Sutton.
10th,	{ Uxbridge, . . . } { Northbridge, . . . } { Upton, . . . }	William E. Hayward,	Uxbridge.
11th,	{ Blackstone, . . . } { Mendon, . . . } { Milford, . . . } { Hopedale, . . . }	John T. McLoughlin, George P. Sheldon, .	Milford. Hopedale.
12th,	{ Westborough, . . . } { Northborough, . . . } { Southborough, . . . } { Berlin, . . . } { Shrewsbury, . . . } { Grafton, . . . }	Silas A. Forbush, . Charles Potter, .	Grafton. Northborough.
13th,	{ Boylston, . . . } { Bolton, . . . } { West Boylston, . . . } { Clinton, . . . } { Harvard, . . . } { Lancaster, . . . } { Sterling, . . . }	Lyman S. Walker, . Wellington E. Parkhurst,	Boylston. Clinton.
14th,	{ Leominster, . . . } { Lunenburg, . . . }	Edward F. Blodgett,	Leominster.
15th,	{ Fitchburg, Wards } { 1-6, . . . }	Edward W. Ackley, Henry F. Rockwell, .	Fitchburg. Fitchburg.
16th,	Worcester, Ward 1,	Alfred S. Roe, . .	Worcester.
17th,	Worcester, Ward 2,	James P. Crosby, .	Worcester.

HOUSE OF REPRESENTATIVES.

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COUNTY OF WORCESTER — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
18th,	Worcester, Ward 3,	Eugene M. Moriarty,	Worcester.
• 19th,	Worcester, Ward 4,	James H. Mellen, .	Worcester.
20th,	Worcester, Ward 5,	James F. Melaven, .	Worcester.
21st,	Worcester, Ward 6,	Henry Y. Simpson,*	Worcester.
22d,	Worcester, Ward 7,	Edward I. Comins, .	Worcester.
23d,	Worcester, Ward 8,	Eben F. Thompson,	Worcester.

COUNTY OF HAMPSHIRE.

1st,	{ Northampton, W'ds)	Arthur F. Nutting, . Eugene W. Wood, .	Northampton. Easthampton.
	{ 1-7, . . .) { Easthampton, . .) { Southampton, . .)		
2d,	{ Chesterfield, . .)	Hiram Taylor, . .	Middlefield.
	{ Cummington, . .)		
	{ Goshen, . . .)		
	{ Huntington, . .)		
	{ Middlefield, . .)		
	{ Plainfield, . .) { Westhampton, . .) { Worthington, . .)		
3d,	{ Hatfield, . . .)	Benj. C. Brainard, .	South Hadley.
	{ Hadley, . . .)		
	{ South Hadley, . .)		
	{ Williamsburg, . .)		
4th,	{ Amherst, . . .)	Charles E. Wakefield,	Amherst.
	{ Belchertown, . .)		
	{ Granby, . . .)		
5th,	{ Enfield, . . .)	Frederick A. Volk, .	Ware.
	{ Greenwich, . .)		
	{ Pelham, . . .)		
	{ Prescott, . . .)		
	{ Ware, . . .)		

* Elected March 7; qualified March 16, in place of Henry J. Jennings, deceased February 9.

HOUSE OF REPRESENTATIVES.

COUNTY OF HAMPDEN.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Chester, . . . } { Blandford, . . . } { Tolland, . . . } { Granville, . . . } { Southwick, . . . } { Agawam, . . . }	William H. Granger,	Agawam.
2d,	{ Montgomery, . . . } { Russell, . . . } { Westfield, . . . } { West Springfield, . . . }	Arthur S. Kneil, . Henry W. Ashley, .	Westfield. Westfield.
3d,	{ Holyoke, Wards 5, } { 6, 7, . . . }	Frank L. Buck, .	Holyoke.
4th,	{ Holyoke, Wards 1, } { 2, 3, 4, . . . }	Roger P. Donoghue,	Holyoke.
5th,	{ Chicopee, Wards } { 1-7, . . . }	Eugene J. O'Neil, .	Chicopee.
6th,	{ Springfield, Wards } { 1, 4, 8, . . . }	Ralph W. Ellis, . John W. Adams, .	Springfield. Springfield.
7th,	Springfield, Ward 5,	Edwin F. Lyford, .	Springfield.
8th,	{ Springfield, Wards } { 2, 3, 6, 7, . . . }	Stephen C. Warriner, Edward S. Brewer, .	Springfield. Springfield.
9th,	{ Longmeadow, . . . } { Hampden, . . . } { Wilbraham, . . . } { Monson, . . . } { Wales, . . . }	Alvin A. Gage, .	Monson.
10th,	{ Ludlow, . . . } { Palmer, . . . } { Brimfield, . . . } { Holland, . . . }	Edward E. Fuller, .	Ludlow.

COUNTY OF FRANKLIN.

1st,	{ Greenfield, . . . } { Shelburne, . . . } { Bernardston, . . . }	Dana Malone, .	Greenfield.
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COUNTY OF FRANKLIN — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	{ Warwick, . . . } { Orange, . . . } { New Salem, . . . } { Erving, . . . } { Shutesbury, . . . }	Joseph B. Farley, .	Orange.
3d,	{ Northfield, . . . } { Gill, . . . } { Montague, . . . } { Wendell, . . . }	George A. Fleming,	Wendell.
4th,	{ Leverett, . . . } { Sunderland, . . . } { Whately, . . . } { Deerfield, . . . } { Conway, . . . }	George A. Elder, .	Whately.
5th,	{ Ashfield, . . . } { Buckland, . . . } { Charlemont, . . . } { Colrain, . . . } { Hawley, . . . } { Heath, . . . } { Leyden, . . . } { Rowe, . . . } { Monroe, . . . }	Lucius Hunt, . . .	Hawley.

COUNTY OF BERKSHIRE.

1st,	{ New Ashford, . . . } { Williamstown, . . . } { North Adams, . . . } { Florida, . . . } { Clarksburg, . . . }	Gilbert L. Jewett, . Edward W. Gleason,	North Adams. Clarksburg.
2d,	{ Adams, . . . } { Cheshire, . . . } { Savoy, . . . }	John M. Morin, .	Adams.
3d,	{ Hancock, . . . } { Lanesborough, . . . } { Lenox, . . . } { Windsor, . . . } { Peru, . . . } { Hinsdale, . . . } { Washington, . . . } { Richmond, . . . }	James S. Barnes, .	Peru.

HOUSE OF REPRESENTATIVES.

COUNTY OF BERKSHIRE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Pittsfield, Wards 1-7, . . . }	Franklin F. Read, . Charles W. French, .	Pittsfield. Pittsfield.
5th,	{ Stockbridge, . . . Lee, . . . Becket, . . . }	Abner Rice, . . .	Lee.
6th,	{ West Stockbridge, . Alford, . . . Egremont, . . . Great Barrington, . }	John N. Easland, .	G. Barrington.
7th,	{ Monterey, . . . Otis, . . . Sandisfield, . . . New Marlborough, . Sheffield, . . . Mt. Washington, . Tyringham, . . . }	Frank B. Schutt, .	Mt. Washington.

COUNTY OF NORFOLK.

1st,	{ Dedham, . . . Norwood, . . . }	James A. Hartshorn,	Norwood.
2d,	Brookline, . . .	William H. White, .	Brookline.
3d,	Hyde Park, . . .	Francis W. Darling,	Hyde Park.
4th,	{ Milton, . . . Canton, . . . }	George R. R. Rivers,	Milton.
5th,	{ Quincy, Wards 1-6, Weymouth, . . . }	John R. Graham, . Charles L. Hammond, Albert P. Worthen, .	Quincy. Quincy. Weymouth.
6th,	{ Braintree, . . . Holbrook, . . . }	Frederick W. Whitcomb, . . .	Holbrook.
7th,	{ Randolph, . . . Stoughton, . . . Avon, . . . Sharon, . . . Walpole, . . . }	William Moore, . Timothy F. Quinn, .	Walpole. Sharon.
8th,	{ Franklin, . . . Foxborough, . . . Wrentham, . . . Bellingham, . . . Medway, . . . Norfolk, . . . }	Amos P. Woodward, Clarke P. Harding, .	Franklin. Medway.

COUNTY OF NORFOLK — CONCLUDED

District.	Town or Ward.	Name of Representative.	Residence.
9th,	{ Needham, . . . } { Dover, . . . } { Medfield, . . . } { Wellesley, . . . } { Millis, . . . }	Oliver C. Livermore,	Wellesley.

COUNTY OF PLYMOUTH.

1st,	Plymouth, . . .	Edward B. Atwood, .	Plymouth.
2d,	{ Marshfield, . . . } { Plympton, . . . } { Kingston, . . . } { Duxbury, . . . }	John Sherman, .	Plympton.
3d,	{ Scituate, . . . } { Norwell, . . . } { Hanson, . . . } { Pembroke, . . . }	Henry H. Collamore,	Pembroke.
4th,	{ Cohasset, . . . } { Hingham, . . . } { Hull, . . . }	Joseph B. Lincoln, .	Cohasset.
5th,	{ Rockland, . . . } { Hanover, . . . }	Joshua S. Gray, .	Rockland.
6th,	{ Whitman, . . . } { Abington, . . . }	Jerem'h T. Richmond,	Abington.
7th,	{ Mattapoisett, . . . } { Marion, . . . } { Wareham, . . . } { Rochester, . . . } { Carver, . . . }	John G. Dexter, .	Rochester.
8th,	{ Middleborough, . . . } { Lakeville, . . . } { Halifax, . . . }	Jabez P. Thompson,	Halifax.
9th,	{ Bridgewater, . . . } { East Bridgewater, . . . } { West Bridgewater, . . . }	James C. Leach, .	Bridgewater.
10th,	{ Brockton, Wards 4, } { 5, 6, . . . }	George H. Garfield, .	Brockton.
11th,	{ Brockton, Wards 2, } { 3, . . . }	Emery M. Low, .	Brockton.
12th,	{ Brockton, Wards 1, } { 7, . . . }	Fred'c W. Hathaway,	Brockton.

HOUSE OF REPRESENTATIVES.

COUNTY OF BRISTOL.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Attleborough, . . } { N. Attleborough, . } { Norton, } { Seekonk, }	Burrill Porter, Jr., . Albert W. Sturdy, .	N. Attleboro'. Attleborough.
2d,	{ Mansfield, . . . }	Edward B. Hayward,	Easton.
3d,	{ Taunton, W'ds 1-8, . }	George A. Crane, . John C. Alden, . Robert C. Brown, .	Taunton. Taunton. Taunton.
4th,	{ Fairhaven, . . . }	Moses S. Douglas, .	Acushnet.
5th,	{ New Bedford, W'ds } { 1, 2, 3, }	Isaac B. Tompkins, . Samuel Ross, . . .	New Bedford. New Bedford.
6th,	{ New Bedford, W'ds } { 4, 5, 6, }	George M. Eddy, . Charles P. Rugg, .	New Bedford. New Bedford.
7th,	{ Westport, . . . }	James E. Allen, .	Dartmouth.
8th,	{ Fall River, Wards } { 1, 2, 3, 4, 6, . . }	John Brown, . . . James J. Sullivan, . Francis Connolly, .	Fall River. Fall River. Fall River.
9th,	{ Fall River, Wards } { 5, 7, 8, 9, . . . }	Patrick Delaney, . Michael F. Sullivan,	Fall River. Fall River.
10th,	{ Dighton, }	Esek H. Pierce, .	Rehoboth.

COUNTY OF BARNSTABLE.

1st,	{ Falmouth, . . . }	Charles H. Nye, . Elkanah Crowell, .	Barnstable. Yarmouth.
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HOUSE OF REPRESENTATIVES.

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COUNTY OF BARNSTABLE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	{ Harwich, . . . } { Chatham, . . . } { Brewster, . . . } { Orleans, . . . }	Augustus M. Nickerson,	Harwich.
3d,	{ Eastham, . . . } { Wellfleet, . . . } { Truro, . . . } { Provincetown, . . }	John A. Clark, . . .	Eastham.

COUNTY OF DUKES COUNTY.

1st,	{ Chilmark, . . . } { Cottage City, . . . } { Edgartown, . . . } { Gay Head, . . . } { Gosnold, . . . } { Tisbury, . . . } { West Tisbury, . . }	William A. Morse,* .	Tisbury.
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COUNTY OF NANTUCKET.

1st,	Nantucket, . . .	Anthony Smalley, . . .	Nantucket.
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* Elected March 21; qualified March 28; in place of Asa Smith, deceased February 6.

EDWARD A. McLAUGHLIN, . . . *Clerk.*
DANIEL W. WALDRON, . . . *Chaplain.*
JOHN G. B. ADAMS, . . . *Sergeant-at-Arms.*

JUDICIAL DEPARTMENT.

SUPREME JUDICIAL COURT.

CHIEF JUSTICE.

WALBRIDGE A. FIELD, of Boston.

ASSOCIATE JUSTICES.

CHARLES ALLEN, of Boston.
 OLIVER WENDELL HOLMES, JR., . . . of Boston.
 MARCUS P. KNOWLTON, of Springfield.
 JAMES M. MORTON, of Fall River.
 JOHN LATHROP, of Boston.
 JAMES MADISON BARKER, of Pittsfield.

SUPERIOR COURT.

CHIEF JUSTICE.

ALBERT MASON, of Brookline.

ASSOCIATE JUSTICES.

P. EMORY ALDRICH, of Worcester.
 CALEB BLODGETT, of Boston.
 CHARLES P. THOMPSON, of Gloucester.
 JOHN W. HAMMOND, of Cambridge.
 JUSTIN DEWEY, of Springfield.
 EDGAR J. SHERMAN, of Lawrence.
 JAMES R. DUNBAR, of Brookline.
 ROBERT R. BISHOP, of Newton.
 HENRY K. BRALEY, of Fall River.
 DANIEL W. BOND, of Northampton.
 JOHN HOPKINS, of Millbury.
 ELISHA BURR MAYNARD, of Springfield.
 FRANKLIN G. FESSENDEN, of Greenfield.
 JOHN W. CORCORAN, of Clinton.
 JAMES B. RICHARDSON, of Boston.

JUDGES OF PROBATE AND INSOLVENCY.

JOHN W. McKIM, Boston,	SUFFOLK.
ROBERT GRANT, Boston,	SUFFOLK.
ROLLIN E. HARMON, Lynn,	ESSEX.
GEORGE M. BROOKS, Concord,	MIDDLESEX.
WILLIAM T. FORBES, Westborough,	WORCESTER.
WILLIAM G. BASSETT, Northampton,	HAMPSHIRE.
WILLIAM S. SHURTLEFF, Springfield,	HAMPDEN.
CHESTER C. CONANT, Greenfield,	FRANKLIN.
JAMES T. ROBINSON, North Adams,	BERKSHIRE.
GEORGE WHITE, Wellesley,	NORFOLK.
BENJAMIN W. HARRIS, East Bridgewater,	PLYMOUTH.
WILLIAM E. FULLER, Taunton,	BRISTOL.
HIRAM P. HARRIMAN, Wellfleet,	BARNSTABLE.
JOSEPH T. PEASE, Edgartown,	DUKES.
THADDEUS C. DEFRIEZ, Nantucket,	NANTUCKET.

REGISTERS OF PROBATE AND INSOLVENCY.

ELIJAH GEORGE, Boston,	SUFFOLK.
JEREMIAH T. MAHONEY, Salem,	ESSEX.
SAMUEL H. FOLSOM, Winchester,	MIDDLESEX.
FREDERIC W. SOUTHWICK, Worcester,	WORCESTER.
HUBBARD M. ABBOTT, Northampton,	HAMPSHIRE.
SAMUEL B. SPOONER, Springfield,	HAMPDEN.
FRANCIS M. THOMPSON, Greenfield,	FRANKLIN.
EDWARD T. SLOCUM, Pittsfield,	BERKSHIRE.
JONATHAN COBB, Dedham,	NORFOLK.
JOHN C. SULLIVAN, Middleborough,	PLYMOUTH.
JOHN H. GALLIGAN, Taunton,	BRISTOL.
FREEMAN H. LOTHROP, Barnstable,	BARNSTABLE.
BERIAH T. HILLMAN, Chilmark,	DUKES.
HENRY RIDDELL, Nantucket,	NANTUCKET.

DISTRICT ATTORNEYS.

OLIVER STEVENS, Boston,	SUFFOLK.
FRED N. WIER, Lowell,	NORTHERN.
WILLIAM H. MOODY, Haverhill,	EASTERN.
ROBERT O. HARRIS, East Bridgewater,	SOUTHEASTERN.
HOSEA M. KNOWLTON, New Bedford,	SOUTHERN.
FRANCIS A. GASKILL, Worcester,	MIDDLE.
CHARLES L. GARDNER, Palmer,	WESTERN.
JOHN A. AIKEN, Greenfield,	NORTHWESTERN.

SHERIFFS.

JOHN B. O'BRIEN, Boston,	SUFFOLK.
SAMUEL A. JOHNSON, Salem,	ESSEX.
HENRY G. CUSHING, Lowell,	MIDDLESEX.
ROBERT H. CHAMBERLAIN, Worcester, . .	WORCESTER.
JAIRUS E. CLARK, Northampton,	HAMPSHIRE.
EMBURY P. CLARK, Holyoke,	HAMPDEN.
ISAAC CHENERY, Montague,	FRANKLIN.
JOHN CROSBY, Pittsfield,	BERKSHIRE.
AUGUSTUS B. ENDICOTT, Dedham,	NORFOLK.
ALPHEUS K. HARMON, Plymouth,	PLYMOUTH.
ANDREW R. WRIGHT, Taunton,	BRISTOL.
JOSEPH WHITCOMB, Provincetown,	BARNSTABLE.
JASON L. DEXTER, Edgartown,	DUKES.
JOSIAH F. BARRETT, Nantucket,	NANTUCKET.

CLERKS OF COURTS.

HENRY A. CLAPP, Boston, Clerk of the Supreme Judicial Court for the Commonwealth.	
JOHN NOBLE, Boston, Supreme Judicial Court, .	SUFFOLK.
JOSEPH A. WILLARD, Boston, Sup. Ct. Civil Bus., }	SUFFOLK.
JOHN P. MANNING, Boston, Sup. Ct. Crim. Bus., }	
DEAN PEABODY, Lynn,	ESSEX.
THEODORE C. HURD, Winchester,	MIDDLESEX.
THEODORE S. JOHNSON, Worcester,	WORCESTER.
WILLIAM H. CLAPP, Northampton,	HAMPSHIRE.
ROBERT O. MORRIS, Springfield,	HAMPDEN.
EDWARD E. LYMAN, Greenfield,	FRANKLIN.
HENRY W. TAFT, Pittsfield,	BERKSHIRE.
ERASTUS WORTHINGTON, Dedham,	NORFOLK.
EDWARD E. HOBART, Bridgewater,	PLYMOUTH.
SIMEON BORDEN, Fall River,	BRISTOL.
SMITH K. HOPKINS, Barnstable,	BARNSTABLE.
SAMUEL KENISTON, Edgartown,	DUKES.
JOSIAH F. MURPHEY, Nantucket,	NANTUCKET.

MEMBERS OF THE FIFTY-THIRD CONGRESS.

[Congressional Districts established by Chap. 396, Acts of 1891.]

SENATORS.

GEORGE F. HOAR, *of Worcester.*
 HENRY CABOT LODGE, *of Nahant.*

REPRESENTATIVES.

DISTRICT I.—ASHLEY B. WRIGHT, . . . *of North Adams.*
 II.—FREDERICK H. GILLET, . . . *of Springfield.*
 III.—JOSEPH H. WALKER, . . . *of Worcester.*
 IV.—LEWIS DEWART APSLEY, . . . *of Hudson.*
 V.—MOSES T. STEVENS, . . . *of North Andover.*
 VI.—WILLIAM COGSWELL, . . . *of Salem.*
 VII.—*WILLIAM EVERETT, . . . *of Quincy.*
 VIII.—SAMUEL W. McCALL, . . . *of Winchester.*
 IX.—JOSEPH H. O'NEIL, . . . *of Boston.*
 X.—MICHAEL J. McETTRICK, . . . *of Boston.*
 XI.—WILLIAM F. DRAPER, . . . *of Hopedale.*
 XII.—ELIJAH A. MORSE, . . . *of Canton.*
 XIII.—CHARLES S. RANDALL, . . . *of New Bedford.*

* Elected April 25, 1893, in place of Henry Cabot Lodge, chosen U. S. Senator.

APPENDIX.

The following tables have been prepared by FISHER AMES, Esq., appointed to that duty under Chapter 238 of the Acts of 1882, which directs the Governor to appoint some person to prepare "tables showing what general statutes have been affected by subsequent legislation, in such manner as to furnish ready reference to all changes in such statutes."

TABLES

SHOWING

WHAT GENERAL STATUTES OF THE COMMONWEALTH
HAVE BEEN AFFECTED BY SUBSEQUENT
LEGISLATION.

I.

CHANGES IN THE "PUBLIC STATUTES."

Chapter 1.—Of the Jurisdiction of the Commonwealth and Places ceded to the United States.

SECT. 1. Provision is made for defining the boundary line between Massachusetts and Rhode Island. St. 1883, 113, 154. And between Massachusetts and New Hampshire. Res. 1885, 73 ; 1886, 58 ; 1891, 70.

SECT. 3. A part of Gallop's island in Boston harbor is added. St. 1889, 27. And certain lands in Winthrop. St. 1891, 81.

SECT. 4. Lands for the use of the United States fish and fisheries commission, added. St. 1882, 131.

Chapter 2.—Of the General Court.

Legislation recommended by State boards, etc., shall be reported to the secretary of the Commonwealth before first Wednesday in January. St. 1893, 144.

The employment of legislative counsel and agents is regulated and provision made for returns of expenses therefor. St. 1890, 456 ; 1891, 223. (See 1891, 349.)

SECT. 5 *et seq.* Manner of publishing notice and presenting petitions changed in certain cases. St. 1885, 24 ; 1890, 302. (See 1885, 371 ; 1888, 375, § 3.)

SECTS. 15, 16. Compensation of members changed. The issuing to or acceptance by them of railroad tickets free, or at less than usual rates, is forbidden. St. 1892, 59. (See 1884, 319 ; 1886, 352.)

SECTS. 17, 18. Compensation of door-keepers, messengers, postmaster and pages fixed. St. 1887, 116. (See 1882, 257. Res. 1892, 99.)

SECTS. 21, 22. Clerks' salaries fixed and allowance made for clerical assistance. St. 1884, 329, 334 ; 1888, 1. (See 1882, 257.)

SECTS. 24, 35 repealed. St. 1884, 60.

SECT. 27. Number of door-keepers, etc., increased. St. 1882, 257, § 4.

SECT. 32. Publication and posting of proposed amendments to the constitution provided for. St. 1892, 124.

SECT. 34. When Christmas falls on Sunday, the following Monday is a holiday. St. 1882, 49. The first Monday of September is Labor's holiday. St. 1887, 263.

A commission is established to promote uniformity of legislation in the United States. St. 1891, 405; 1893, 311.

Chapter 3. — Of the Statutes.

SECT. 1. When an act is to be voted on for acceptance by a municipal or other corporation, a return of the vote must be made to the secretary of the Commonwealth. St. 1883, 100.

SECT. 3. Words "mayor and aldermen" defined. St. 1882, 164.

"Net indebtedness" of towns, cities and districts defined. St. 1883, 127.

Legal notices may be published in a periodical devoted exclusively to legal news. St. 1885, 235.

Chapter 4. — Of the Printing and Distribution of the Laws and Public Documents.

Supervision of State printing provided for. St. 1893, 287. (See Res. 1892, 90.)

Tables of changes in the general statutes, and indexes, to be prepared and published. St. 1882, 238. And a supplement to the Public Statutes. St. 1888, 383. (See Res. 1891, 60.)

Provision made for a compilation of a history of the part taken by Massachusetts soldiers and sailors in the war of the rebellion. St. 1889, 374; 1891, 235. (See Res. 1892, 67.) And in the revolutionary war. Res. 1891, 100. (See St. 1893, 411, 413.)

This chapter is revised. St. 1889, 440. (See 1882, 6, 158; 1883, 55; 1884, 166; 1885, 369; 1888, 23, 85, 122, 186, 191, 256; 1889, 32, 35, 124, 150, 164, 212. Res. 1886, 36; 1889, 13, 18; 1892, 31, 46, 62, 88.)

Subsequent changes in reports, etc.: Adjutant general's report; St. 1893, 438. Arbitration; St. 1891, 191. Blue book; 1893, 108. County accounts; 1891, 292. Registration in dentistry; 1891, 76. Hospital for dipsomaniacs; 1893, 223. Foreign mortgage corporations; 1890, 50. Manual of general court; 1891, 292. Statistics of labor; 1890, 97. Statistics of manufactures; 1891, 193. Metropolitan sewerage; 1891, 292. Superintendent of prisons; 1891, 292. Savings banks; 1893, 70. (See 1890, 126.) Registrars of voters; 1890, 223, § 3. (See St. 1892, 140. Res. 1892, 46; Res. 1893, 6, 7, 15, 18, 24, 25, 45, 69, 71, 80, 102.)

Express and postage on documents forwarded to members of the general court are to be paid by the Commonwealth. St. 1889, 53. And on State publications sent to free public libraries. St. 1892, 422.

SECT. 5 *et seq.* Provision made for reports of capital cases. St. 1886, 214.

SECT. 7. "Of labor" is added after "bureau of statistics." St. 1882, 6.

SECT. 9. Provision made for publication of election cases. Res. 1886, 36.

SECT. 12. Provision for distributing the "Index digest." St. 1887, 118.

Chapter 5.—Of the State House, the Sergeant-at-Arms and State Library.

Additional accommodations are provided for. St. 1882, 262; 1888, 349; 1889, 300, 394. Res. 1891, 21, 25; Res. 1892, 34, 96. St. 1893, 450. (See 1892, 402; 1893, 129.)

SECTS. 4, 6, 9, 10. The duties of the sergeant-at-arms are revised. St. 1884, 14; 1887, 128; 1889, 53; 1890, 456, § 2.

Clerk provided for. St. 1887, 128. Salaries fixed: Sergeant-at-arms. St. 1887, 128. (See 1884, 14.) Clerk. St. 1893, 358. (See 1887, 128.) Messenger. St. 1893, 409.

SECT. 12 is revised. Contingent expenses of the council and officers in the State house are omitted. St. 1887, 128.

SECT. 15 *et seq.* The trustees and librarian are authorized to prepare an index of current events. St. 1892, 140.

SECT. 17 repealed. Appointment of trustees and librarian regulated and salaries fixed. St. 1893, 86. (See 1887, 209; 1892, 287.)

SECT. 18. Additional allowance made for assistance in State library. St. 1891, 24. (See 1882, 29; 1886, 66.)

SECT. 20. Appropriation for books, furniture, etc., increased. St. 1888, 24. (See 1882, 196.)

Chapter 6.—Of the Qualification and Registration of Voters.

This chapter is revised. St. 1893, 417. (See 1882, 247, 268; 1884, 298; 1885, 246, 271, § 6, 345, § 7; 1886, 68, 264; 1887, 249, 329, 432; 1888, 206; 1889, 69, 196, 337, § 1, 404; 1890, 393, 423, §§ 2-65, 208; 1891, 242, 277, 286, 290, 395; 1892, 351; 1893, 209, 351.)

Chapter 7.—Of the Manner of Conducting Elections and Returning Votes.

This chapter is revised, and the laws relating to elections codified and consolidated. St. 1893, 417, 465. (See 1882, 28, 74, 260; 1883, 42, 229; 1884, 299; 1885, 108, 142, 159, 229, 248, 268, 351; 1886, 49, 262, 264; 1887, 272, 371; 1888, 146, 164, 203, 353, 436, 437, 441; 1889, 191, 413; 1890, 175, 219, 223, 254, 381, 386, 393, 423; 1891, 10, 31, 74, 155, 238, 256, 264, 269, 270, 278, 305, 314, 328, 329, 336, 395; 1892, 51, 115, 124, 190, 224, 279, 316, 332, 368, 405, 406, 416, 431; 1893, 39, 87, 146, 177, 209, 304, 307, 308, 349, 351, 376.)

Precinct voting is provided for. St. 1884, 299; 1886, 264. (See 1890, 423, § 72.)

Chapter 8.—Of the Election of Governor and other State Officers.

This chapter is revised. St. 1893, 417. (See 1884, 299, § 7; 1885, 107; 1886, 262, § 5; 1890, 423, §§ 146-164, 228.)

New districts are established: Councillor. St. 1886, 348. Senatorial. St. 1886, 338. Representative. St. 1886, 256.

Chapter 9.—Of the Election of Representatives in Congress and Electors of President and Vice-President.

This chapter is revised. St. 1893, 417. (See 1888, 382; 1890, 423, §§ 165–187, 228; 1892, 279.)

New congressional districts established. St. 1891, 396. The requirement of residence in the district is omitted. St. 1882, 253.

Chapter 10.—Of the Election of District and County Officers.

This chapter is revised. St. 1893, 417. (See 1890, 423, §§ 188–207; 1892, 115; 1893, 39.)

Chapter 11.—Of the Assessment of Taxes.

Provision is made for a State tax on certain collateral successions and grants. St. 1891, 425; 1892, 379; 1893, 432.

Polls and estates established as a basis for apportionment of State and county taxes. St. 1892, 96. (See 1883, 71; 1886, 73; 1889, 103.)

The rate of taxation is limited in cities. St. 1885, 312, § 1. (See 1885, 178; 1887, 226, 281.)

Provision for assessment of property held for water-supply purposes in another city or town. St. 1893, 352.

The assessors may divide any ward in a city into convenient assessment districts. St. 1889, 115.

They shall print and distribute in cities and certain towns, and post in other towns, lists of voters and polls. St. 1893, 417, § 18. (See 1884, 298, § 19; 1888, 206; 1890, 305, 423, §§ 25, 26; 1891, 277; 1892, 351, §§ 7–10.)

SECT. 4. “Or indebtedness” substituted for “due” in sixth line. St. 1882, 76. Words “this proviso shall apply to corporations mentioned in Pub. St., ch. 13, § 46,” added. St. 1887, 228.

Railroad bonds are made taxable. St. 1888, 363.

Personal property leased for profit is made taxable, where situate, to the owner or person having possession. St. 1889, 446.

SECT. 5, Cl. 3, is revised. Certain societies and associations are added. St. 1889, 465. (See 1882, 217; 1886, 231; 1888, 158.)

Cl. 9. Certain real estate of unincorporated horticultural societies is exempted. St. 1884, 176.

Cl. 10. It does not affect the exemption that the property is owned in common with others. St. 1885, 169.

Cl. 12. See St. 1884, 298, § 7.

SECT. 6. See St. 1883, 189.

SECT. 10. The provisions of this section are extended. St. 1893, 149. (See 1887, 373; 1889, 286; 1891, 116.)

SECT. 13. The person appearing as the owner of record is to be held to be the true owner even though deceased. St. 1889, 84.

SECT. 14 amended. “Taxable real estate,” in first line, changed to “real estate not exempt from taxation under section five of this chapter.” St. 1882, 175.

SECTS. 14–16. See St. 1888, 390, §§ 30, 63.

SECT. 20. Provision made for assessment of personal property held by an assignee in insolvency, or for creditors; and of personal property held by joint owners or tenants in common, other than partners. St. 1882, 165.

Royalty-paying machines are assessable. St. 1887, 125.

CL. 6. See St. 1888, 390, § 26.

CL. 7. See St. 1891, 425.

SECT. 31. See St. 1892, 280.

SECT. 31 *et seq.* See St. 1885, 312; 1893, 247, 445.

SECT. 34. See St. 1882, 133.

SECT. 38. Returns of mortgages of real estate provided for. St. 1882, 175, § 1. And of property held for literary, benevolent, charitable or scientific purposes. St. 1882, 217; 1888, 323.

SECT. 38 *et seq.* See St. 1884, 298; 1888, 200, 206; 1890, 423, § 17; 1893, 417, §§ 16-21.

SECTS. 38, 72. See Res. 1892, 55.

SECT. 39 amended. St. 1891, 381.

SECT. 49. The overlay is valid, although it may cause the tax to exceed the legal limit. St. 1887, 226. (See 1885, 312; 1887, 281; 1893, 247, 445.)

SECT. 50. Provision for free access to lists of valuation and assessment. St. 1888, 307.

SECTS. 52, 53 are amended. St. 1883, 41.

SECTS. 54, 55. Changes in returns. St. 1883, 91; 1890, 242; 1891, 65. (See 1885, 105; 1886, 56; 1887, 86; 1892, 370.)

SECT. 61. Assessors shall certify amount assessed upon each poll as State and county tax respectively. St. 1889, 467, § 1.

SECT. 69. Tenants under obligation to pay taxes may apply for abatement. St. 1888, 315.

SECTS. 69-77. Appeal may be made to superior court. Proceedings regulated. St. 1890, 127. (See 1882, 218; 1893, 352, § 3.)

SECT. 71. Provision for costs on appeals. St. 1882, 218. (See 1890, 127, § 7.)

SECT. 77. Dues or taxes for school books may be abated under this section. St. 1885, 67.

SECT. 78 is revised. St. 1888, 362. (See 1886, 85.)

SECT. 90. Assessors must send to tax commissioner all lists and statements received of exempt property. St. 1882, 217, § 3.

SECT. 91. Amount of sinking funds or proportionate annual payments of debts must be given. St. 1882, 133, § 2.

SECT. 92. As to Boston, see St. 1882, 252, § 5.

SECT. 93. Apportionment of State and county taxes is to be stated on tax bills of males assessed for poll-tax only, and they are not entitled to a certificate under this section. St. 1889, 467, § 2. (See 1884, 298, § 8.)

SECTS. 96, 97. For apportionments, see St. 1883, 71; 1886, 73; 1889, 103; 1892, 96.

Chapter 12. — Of the Collection of Taxes.

This chapter is repealed, and the law as to the collection of taxes revised and codified. St. 1888, 390; 1889, 253, 334; 1890, 331; 1891, 288; 1892, 109, 168, 370; 1893, 241. (See 1882, 243; 1883, 101; 1884, 162, 242; 1886, 320; 1887, 110, 142.)

The service of process in the collection of taxes is regulated. St. 1892, 168.

Provision made for preservation of accounts, papers and records relating to assessment and collection of taxes. St. 1892, 370.

State treasurer may sue to recover the State legacy and succession tax. St. 1891, 425, § 18.

Provision to prevent excessive charges in redemption of tax titles. St. 1891, 288.

Chapter 13. — Of the Taxation of Corporations.

Office of deputy tax commissioner abolished and that of tax commission and commissioner of corporations established; the duties defined and salary fixed. St. 1890, 160; 1891, 233, § 2, 360. (See 1882, 217, § 3, 252, § 5; 1887, 214, § 94, 342, § 1.)

SECT. 2. Salaries of clerks fixed and allowance made for clerical assistance. St. 1887, 342, § 2; 1891, 342.

SECT. 6. See St. 1882, 217, § 3, 252, § 5.

SECTS. 8, 9. Provision made for counsel to defend suits to recover a national bank tax paid to a city or town. St. 1886, 332. (See 1887, 142, § 3; 1888, 390, § 95.)

SECTS. 17, 40. Title insurance companies are to be taxed under these sections. St. 1884, 180, § 5; 1887, 214, §§ 62–64.

SECT. 20. The exemption is extended. (See ch. 116, § 20, cl. 8.) St. 1883, 248. (See 1886, 77.)

SECTS. 20, 22. Provision for repayment of tax on real estate used for banking purposes. St. 1890, 406; 1891, 171.

SECT. 24 is repealed. The capital stock, franchises and personal estate, but not the real estate, of co-operative banks are exempted. St. 1890, 63. (See 1883, 98; 1885, 121, § 3.)

SECT. 25 *et seq.* The provisions as to the taxation of insurance companies are revised, and §§ 26, 34, 37 are amended. St. 1887, 283; 1888, 154; 1890, 197; 1892, 129. (See 1887, 214, §§ 19, 64.)

SECT. 33 amended. When reinsurance is effected otherwise than by licensed resident agent no deduction is to be made for sums paid therefor. St. 1888, 154. (See 1887, 214; 1890, 197; 1892, 129.)

SECTS. 38–40. Telephone companies are to be taxed under these sections. St. 1885, 238; 1886, 270.

SECTS. 40, 52, 53, 54, 57, 58, 59. Taxation of safe deposit, loan and trust companies regulated. St. 1888, 413, §§ 21–24.

SECT. 43. Taxation of foreign mining, quarrying, land and oil companies regulated. St. 1882, 106; 1883, 74; 1884, 330, § 3; 1886, 230. (See 1891, 341.)

SECT. 46. Corporations mentioned in this section are within the proviso of ch. 11, § 4, as to local taxation. St. 1887, 228.

SECTS. 61, 62. Appeal may be made to superior court. Proceedings regulated. St. 1890, 127.

Chapter 14. — Of the Militia.

This chapter is revised. St. 1893, 367, 439. (See 1882, 97, 154, § 11, 178, 179; 1884, 45, 230; 1885, 147, 236; 1886, 63, 105, 237; 1887, 411; 1888, 366, 384; 1889, 360; 1890, 425; 1891, 232; 1892, 238, 366; 1893, 193, 231. (Res. 1882, 15; Res. 1890, 67.)

A naval brigade is established. St. 1892, 366. (See 1888, 366.) And a nautical training school. St. 1891, 402; 1893, 124.

Provision made for armories in cities. St. 1888, 384. (See 1892, 134.)

The law defining what bodies of men may parade with arms is revised. St. 1890, 425, § 10. (See 1887, 411, § 124; Res. 1890, 67.)

Provision is made for appointment of a State military and naval historian. St. 1889, 374; 1891, 235. And for a compilation of records of the revolutionary war. Res. 1891, 100. And of the grand army of the republic. St. 1893, 411. (See St. 1893, 413.)

Chapter 15. — Of the Executive Department and the Secretary of the Commonwealth.

SECTS. 1-10. Salaries fixed: Governor; St. 1892, 101. (See 1884, 328; 1892, 59.) Governor's private secretary and executive clerk; St. 1891, 411. (See 1884, 8; 1885, 77; 1887, 83.) Executive messenger; 1891, 429. (See 1884, 38; 1887, 221.) Stenographer; 1892, 16. Secretary of the Commonwealth; 1888, 385. (See 1884, 79.) First and second clerks; 1891, 410. (See 1885, 87; 1886, 238.) Third clerk; 1893, 103. (See 1883, 48; 1887, 26.) Allowance for messenger and clerk hire; 1890, 239; 1893, 112. (See 1884, 15; 1889, 101; 1890, 455.)

The secretary is required to give bond and make annual reports. St. 1892, 262; 1893, 148.

SECT. 9. Additional duties of the secretary: As to elections. St. 1893, 417, §§ 123, 145. (See 1888, 436, §§ 13, 14; 1890, 223; 1891, 328, 329; 1892, 124, 416, § 18.) As to returns of medical examiners. St. 1885, 379, §§ 4-6. Department records. Res. 1884, 60. St. 1885, 337. (See Res. 1893, 30, 32.) Reports recommending legislation. St. 1893, 144. State printing. St. 1893, 287. Care of Commonwealth building. St. 1884, 14.

SECT. 12. Form and device of the great seal established. St. 1885, 288.

SECT. 15 is repealed. Blank forms for returns are to be furnished by the commissioners of prisons. St. 1882, 226.

Chapter 16. — Of the Auditor, Treasurer and Matters of Finance.

The par of exchange established by U. S. Rev. St., § 3565, is adopted. St. 1882, 110.

The accounts of certain State institutions are to be kept by the auditor. St. 1887, 87; 1891, 384. (See 1893, 287.)

Provision made for auditing accounts of county officers, officers of inferior courts and trial justices, and for returns and payments by them. St. 1887, 438; 1888, 275; 1890, 216, 306, 380, § 3. (See 1886, 169; 1890, 204, 215.)

Provision made for an agent to prosecute claims of the Commonwealth against the United States. Res. 1883, 45.

Claims under St. 1862, 62; 1863, 254, to be filed with the auditor. St. 1882, 112.

SECT. 2. Salaries fixed: Auditor; St. 1889, 70. (See 1885, 195.) Clerks; St. 1891, 375. Expert in printing; St. 1893, 287. (See 1885, 195; 1887, 30; 1888, 432.)

SECT. 7. Time for auditor's report changed. St. 1884, 207.

SECT. 17. Clerks and clerical assistance provided for, and salaries of treasurer and clerks fixed. St. 1883, 164; 1885, 263; 1886, 38, 334; 1889, 349; 1891, 233; 1893, 432. (See 1882, 111; 1885, 15; 1891, 310.) Office hours regulated. St. 1886, 257.

Provisions in regard to trust deposits. St. 1891, 233; 1893, 224. (See 1887, 214, § 94.)

SECT. 18 superseded. St. 1890, 160.

SECTS. 19, 26, 60. Provision for management of surplus accumulations of sinking funds. St. 1891, 259. (See 1893, 424.) Certain moneys are to be paid into the school fund. St. 1890, 335.

Treasurer may receive from the United States, and pay over, sums for the soldiers' home. St. 1890, 373. (See 1889, 282.)

SECT. 26. Annual financial estimates are to be made to the auditor. St. 1885, 41.

SECT. 28. Advances for small expenses and method of accounting therefor provided for. St. 1884, 179; 1887, 269, § 5, 438; 1888, 180, 322; 1890, 58; 1891, 54.

Certain unclaimed funds shall be paid to the treasurer. St. 1890, 330.

SECT. 42 repealed, and power of committees to cause hearings to be advertised limited. St. 1885, 371. (See 1885, 24.)

SECT. 52. Payments of money from sales of public property regulated. St. 1884, 326.

SECT. 53. Suits for collateral legacy and succession tax are to be brought by the treasurer. St. 1891, 425, § 18. (See 1892, 379; 1893, 432.)

SECT. 55 extended to trust and safe deposit companies approved by the governor and council. St. 1891, 310.

SECT. 60. Additional investments are allowed. St. 1882, 130.

SECTS. 72, 73 repealed. St. 1887, 438, § 8. (See 1886, 169; 1888, 275; 1890, 216, 306, 380; 1893, 270.)

Chapter 17.—Of the Attorney-General and the District Attorneys.

SECTS. 1, 2. A second assistant allowed. St. 1888, 425. (See 1886, 216.) Salaries fixed. St. 1889, 402. (See 1886, 216.)

SECT. 3. Attorney-general shall appear in capital cases when the public interests require it. St. 1891, 379, § 10; 1893, 324.

SECT. 8 extended. St. 1892, 159.

SECT. 9. Attorney-general may cause reports of capital cases to be published. St. 1886, 214. (See 1890, 374.)

SECT. 10. Allowance for contingent expenses increased. St. 1890, 388.

SECTS. 13-15. Salaries fixed and assistants allowed: Eastern district; St. 1882, 156, 157; 1888, 289. Middle; 1889, 250. (See 1885, 168.) Assistant; 1888, 157; 1893, 138. Southern; 1892, 319. Assistant; 1893, 457. South-eastern; 1888, 267. Assistant; 1891, 113. (See 1887, 267, § 2.) Suffolk; 1887, 160. First assistant; 1892, 233. Second assistant; 1887, 160. Clerk; 1889, 238. (See 1882, 245, § 2; 1887, 160.) Western; 1887, 97.

SECT. 16. See St. 1888, 267, § 2; 1891, 113.

SECT. 19 is extended. St. 1893, 345. (See 1885, 379, § 7.)

Chapter 18.—Of Notaries Public and Commissioners to administer Oaths of Office and to take Acknowledgments of Deeds, etc.

SECT. 1. Notaries have jurisdiction throughout and are appointed for the Commonwealth. St. 1891, 38.

Women who are attorneys at law may be appointed special commissioners to administer oaths, take acknowledgments and depositions and summon witnesses. St. 1883, 252; 1889, 197. (See 1882, 139.)

SECT. 14. The oath may be taken before a United States minister or consul. St. 1885, 31.

Chapter 19.—Of the Board of Harbor and Land Commissioners.

The commissioners are authorized to remove wrecks and obstructions in tide-waters. St. 1883, 260. (See 1887, 98.)

SECT. 1. Salaries fixed. St. 1893, 298.

SECT. 2. Custody of archives of Maine lands transferred to the secretary of the Commonwealth. St. 1883, 99.

SECT. 3. The commissioners have general care and supervision of the Connecticut river and of structures therein. St. 1885, 344; 1891, 266. (See 1882, 274; 1883, 183.) Building restricted in the river. St. 1893, 301.

They have the same charge of Commonwealth lands, not otherwise provided for, that they have of lands in tide-waters. St. 1886, 144. (See 1888, 318.)

SECT. 7. Regulations are established for Gloucester harbor; St. 1885, 315. Harbor lines are established for East Boston; St. 1882, 48. South Bay, Boston; 1891, 309. Chelsea; 1887, 344. Gloucester; 1882, 103; 1883, 109. Haverhill; 1883, 104. (See St. 1891, 344; 1893, 435.)

SECT. 8 *et seq.* The board has supervision over great ponds and may license structures therein. St. 1888, 318. (See 1886, 248.) A license is required to dam a navigable stream or outlet of a great pond for cranberry culture. St. 1892, 55.

SECTS. 8, 10, 11, 12 apply to the Connecticut river. St. 1885, 344, §§ 2, 3; 1891, 266.

SECTS. 10–13, 16 apply to great ponds. St. 1888, 318, § 5.

Chapter 20.—Of the State Board of Agriculture.

A board of metropolitan park commissioners is established. St. 1893, 407.

An agricultural experiment station is established, and membership and duties of board of control prescribed. St. 1882, 212; 1883, 105; 1885, 327; 1887, 31, 212; 1888, 333; 1889, 111.

A dairy bureau is established, to consist of three members of the board of agriculture. St. 1891, 412; 1892, 139.

Provision is made for registration of pedigrees of horses. St. 1890, 334. And for punishing false registration or giving false pedigrees of horses, cattle, etc. St. 1887, 143; 1890, 334.

The agricultural college may receive moneys granted by the United States. St. 1889, 111. (See 1887, 212.)

The trustees of the college are allowed certain expenses. St. 1889, 45.

Provision is made for a bounty for sugar from beets or sorghum cane. St. 1883, 189.

SECT. 4. Assistant secretary provided for. St. 1891, 412, § 6. Salaries fixed: Secretary; St. 1883, 184. Assistant; St. 1891, 412, § 6. Clerks; St. 1891, 300; 1892, 143; 1893, 130. (See 1887, 245.)

Allowance for clerical services and for lectures increased. St. 1884, 66.

SECTS. 5, 6. The board is authorized to collect and circulate information about abandoned farms. St. 1891, 280. (See Res. 1893, 46.)

And to take measures to exterminate the "gypsy" moth. St. 1891, 210. (See 1890, 95. Res. 1893, 40.) Provision is made for extermination of insect pests by cities and towns. St. 1893, 78.

Chapter 21. — General Provisions relating to State Officers.

A civil service commission is established and appointments to service regulated. St. 1884, 320; 1887, 364, 437; 1888, 253, 334; 1889, 177, 183, 351, 352, 473; 1891, 140; 1893, 95, 253. (See 1888, 41. Res. 1892, 34.)

Certain officers shall not accept railroad tickets at less than usual rates. St. 1892, 59.

Legislation recommended by State boards and commissions shall be reported to the secretary of the Commonwealth before the first Wednesday in January. St. 1893, 144.

Provision made for appointment of a State military and naval historian. St. 1889, 374; 1891, 235. And for a compilation of records of State soldiers and sailors in the revolutionary war. Res. 1891, 100. And of the grand army of the republic. St. 1893, 411. (See St. 1893, 413; Res. 1893, 49.)

SECT. 1. Tenure of office of officers appointed by governor and council regulated. St. 1887, 364.

SECT. 7. Official bonds must be examined yearly, and, if insufficient, renewed. St. 1885, 32; 1893, 257.

SECT. 10. Treasurer's office hours regulated. St. 1886, 257.

Chapter 22. — Of Counties and County Commissioners.

SECT. 1. Muskeget and Gravelly islands annexed to Nantucket. St. 1887, 88.

SECT. 13. When their clerk is absent, the commissioners shall appoint one of their number clerk *pro tempore*. St. 1890, 198.

SECT. 14. Compensation fixed: Barnstable; St. 1893, 276. Berkshire; St. 1890, 133. Bristol; 1893, 291. (See 1886, 251; 1889, 339.) Essex; 1892, 354. (See 1885, 277.) Franklin; 1888, 65. Hampden; 1889, 30. Hampshire; 1887, 211. Middlesex; 1889, 303. (See 1885, 277.) Norfolk; 1892, 399. (See 1885, 277; 1891, 80.) Plymouth; 1892, 298. (See 1886, 251.) Worcester; 1893, 288. (See 1886, 251; 1891, 79; 1892, 59; 1893, 275, § 1.) Transportation expenses are allowed. St. 1893, 273.

SECT. 15. Meetings changed in Berkshire. St. 1883, 63.

SECT. 17. Certain formal proceedings are authorized notwithstanding disqualification. St. 1893, 238.

SECT. 18 repealed. St. 1893, 275, § 2.

SECT. 19. Oaths of treasurers and registers of deeds are to be recorded. St. 1890, 308.

SECT. 20. Commissioners may examine reservoirs and dams, and proceed under P. S., ch. 190, §§ 53-58. St. 1891, 315.

Provision made for certain expenses of inferior courts and justices. St. 1890, 440, § 11; 1891, 70, 325; 1893, 396, § 1. And for rearranging, indexing and recording certain records and dockets when worn, mutilated or indistinct. St. 1891, 225; 1892, 253.

Orders drawn on county treasurers must be recorded, certified and accompanied by original vouchers. St. 1890, 206.

SECT. 26 is limited to regular commissioners and made applicable to issuing orders of notice. St. 1885, 91.

Chapter 23. — Of County Treasurers and County Finances.

SECT. 1. Record shall be made of oath of treasurer. St. 1890, 308.

SECT. 2. Salaries fixed: Berkshire; St. 1889, 58. Bristol; 1889, 16. Essex; 1886, 133. Hampden; 1884, 112. Hampshire; 1887, 159. Middlesex; 1887, 57. Norfolk; 1892, 295. (See 1890, 143.) Plymouth; 1889, 260. Worcester; 1886, 132.

Allowance for clerical assistance: Bristol; St. 1892, 144. Essex; 1889, 310. Middlesex; 1889, 85. Worcester; 1893, 156.

SECT. 6 *et seq.* Orders drawn by county commissioners must be recorded, certified and accompanied by original vouchers. St. 1890, 206. Provision is made for invoice books of supplies for county institutions. St. 1890, 296.

SECTS. 11, 20, 30. Yearly reports of prison receipts and expenses provided for. St. 1891, 187; 1892, 430.

SECT. 28. Treasurer's accounts and returns regulated. St. 1890, 141, 380. (See 1887, 438; 1888, 275.)

SECT. 30. See St. 1891, 187; 1892, 430.

SECT. 32 repealed. St. 1890, 380, § 2.

SECTS. 36-39 repealed. Controller of county accounts established. St. 1887, 438; 1888, 275; 1890, 216, 306, 380; 1893, 257, 270. (See 1886, 169; 1890, 204.)

Chapter 24. — Of Registers of Deeds.

SECT. 2. New registry established in Bristol. St. 1891, 234.

SECT. 5. And in Worcester. St. 1884, 40.

SECT. 6. Record shall be made of oath of registers. St. 1890, 308.

SECT. 9. Women may be assistant registers. St. 1885, 7.

SECT. 12. Requirement of residence in place of registry repealed. St. 1892, 121.

SECTS. 13-26. Provision for re-recording worn or indistinct records. St. 1892, 253.

SECT. 22. Indexes, except in Suffolk, must show towns in which the lands lie. St. 1885, 29.

SECTS. 30, 31. See St. 1893, 148.

Chapter 25. — Of Sheriffs.

SECT. 18. See St. 1893, 423, § 32.

SECT. 20 is extended to writs and processes in favor of a sheriff. St. 1885, 75.

SECT. 22. Salaries fixed: Berkshire; St. 1887, 58. Essex; 1887, 164. Hampden; 1889, 38. Hampshire; 1891, 154. Middlesex; 1888, 95. Suffolk; 1888, 228. Worcester; 1888, 244.

In Dukes and Nantucket fees are allowed. St. 1884, 209; 1886, 28.

SECTS. 24, 25. Sheriffs must deposit public moneys beyond what are required for immediate use. St. 1890, 215. (See St. 1893, 148, 270, § 2.)

Chapter 26. — Of Medical Examiners.

SECT. 2. New district made in Franklin county; St. 1884, 321; and in Plymouth; 1886, 74.

SECT. 6 repealed. St. 1893, 257.

SECT. 9 *et seq.* Fees and duties of examiners regulated. St. 1885, 265, § 4, 379; 1887, 310; 1888, 306, § 2; 1890, 213; 1892, 286.

No embalming fluid shall be used where death is supposed to be due to violence without a permit signed by an examiner. St. 1892, 152.

SECTS. 12-15. When a fatal accident occurs on a railway a verbatim report of evidence shall be made and sworn to at expense of the railway company. St. 1888, 365; 1889, 154.

SECTS. 14, 25. Fees of witnesses, etc., at inquests regulated. St. 1883, 61; 1885, 379, § 2; 1890, 440, § 9. (See 1888, 180.)

SECTS. 20, 24. Provision made for disposition of bodies and for account of expenses. St. 1887, 310.

SECT. 25. Special justices of municipal, police and district courts, with certain exceptions, are to have same fees as trial justices. St. 1885, 40. The record must state the fact which gives them jurisdiction. St. 1892, 268.

Chapter 27. — Of Towns and Town Officers.

Deposits of town moneys regulated. St. 1893, 266.

SECTS. 2-6. Provision for definition and preservation of town boundary lines. St. 1888, 336.

SECT. 9. Towns may lease public buildings, except school-houses, to grand army and veteran firemen's associations. St. 1885, 60; 1891, 218.

May lay out lands for public parks. St. 1882, 154; 1890, 240; 1893, 300. (See 1893, 75, 416.) And for preservation of forest trees or preservation of water supply. St. 1882, 255. And for purification and disposal of sewage. St. 1890, 124.

May lay out, alter and widen highways and county bridges. St. 1891, 170.

May adopt act providing for extermination of insect pests. St. 1893, 78.

May establish and maintain public play-grounds. St. 1893, 225. Certain towns may lease open spaces for play-grounds. St. 1893, 331. (See 1893, 300, 416.)

May give the improvement of public grounds to corporations organized for the purpose. St. 1885, 157. (See 1893, 300, § 6, 331, 416.)

May manufacture and distribute gas and electricity on certain conditions. St. 1891, 370 ; 1892, 259 ; 1893, 454.

SECT. 10. Towns may contract for disposal of garbage, refuse and offal. St. 1889, 377.

May contract with hospitals for temporary care of the sick. St. 1890, 119. (See 1891, 90.)

May employ counsel at hearings before legislative committees. St. 1889, 380.

May raise money to erect and repair monuments to soldiers and sailors in national wars. St. 1884, 42 ; 1886, 76.

May furnish State and military aid to soldiers and sailors. St. 1889, 279, 301. Shall support certain soldiers and sailors and their families. St. 1890, 447 ; 1893, 237, 279. (See 1888, 438 ; 1889, 298.)

SECT. 10, last clause. See St. 1888, 304 ; 1889, 312 ; 1890, 347 ; 1892, 255.

SECT. 11. Towns may appropriate money for certain anniversary celebrations. St. 1889, 21 ; 1892, 166.

SECT. 12. May raise fifty cents per poll for planting, etc., of shade trees. St. 1885, 123, § 1. (See 1890, 196 ; 1891, 49 ; 1892, 147 ; 1893, 78, 403.)

SECT. 15 *et seq.* Regulations for use of carriages, etc., in streets under P. S., ch. 28, § 25, shall be made by selectmen in towns and published. St. 1885, 197. And to regulate and control itinerant musicians and coasting. St. 1892, 390.

SECT. 27. Towns having a water supply may contribute with other towns to construct a sewerage system to protect the purity of such supply. St. 1888, 160.

SECT. 34. No fee for detention and support shall be allowed unless it appears by officer's return that defendant was actually detained in the lockup. St. 1890, 166.

SECTS. 44-49 are extended to all persons and corporations, and to electric light and telephone wires. St. 1883, 221 ; 1887, 385, § 8 ; 1889, 398, 434. (See 1884, 302, 306 ; 1887, 382.)

SECTS. 48, 129. Superior court given concurrent jurisdiction. St. 1891, 293.

SECT. 52. See St. 1887, 249 ; 1890, 423, § 208 ; 1892, 351, § 2 ; 1893, 417, § 13.

SECTS. 52-69. The laws relating to town meetings, moderators and election of town officers are revised. St. 1893, 417, §§ 259-308, 465. (See 1883, 229 ; 1884, 208, § 4, 299 ; 1885, 5, 261 ; 1886, 262, 264, 295 ; 1887, 249, 371 ; 1888, 221, 353 ; 1889, 191 ; 1890, 351, 419, 423, §§ 208-227 ; 1891, 10, 31, 32, 74, 155, 270, 305, 336 ; 1892, 51, 190, 224 ; 1893, 87, 177.)

Voting precincts provided for. St. 1886, 264 ; 1893, 417, § 101. (See 1890, 423, § 72.) Automatic ballot machines authorized. St. 1893, 465.

SECT. 55. See St. 1888, 436, § 10 ; 1890, 386, § 3 ; 1892, 124 ; 1893, 417, §§ 260, 345.

SECTS. 64, 66-68, 70, 73, 74, 77-81, 83, 84, 86, 87, 89-91, 93, 94, 97, 98 are repealed, and laws as to election of town officers revised. St. 1893, 417, § 345.

SECTS. 71, 72, 75, 76, 82, 85, 88, 92, 95, 96, 99-128 are repealed, and laws as to powers and duties of town officers revised. St. 1893, 423. (See 1886, 295; 1888, 221; 1889, 98, 178; 1893, 60.)

Women may be chosen overseers of the poor. St. 1886, 150.

Superintendent of streets provided for in certain cases. St. 1893, 423, § 25. (See 1889, 98, 178.)

Provision for town auditors. St. 1886, 295; 1893, 417, § 266. (See 1888, 221; 1889, 191; 1890, 254; 1893, 423, § 20.)

For sewer commissioners. St. 1893, 304, 417, § 266. (See 1893, 423, § 24.)

Commissioners of public burial grounds. St. 1890, 264.

Assistant town clerks. St. 1893, 423, § 4. (See 1893, 60.)

Town officers shall demand and receive from their predecessors, under oath, their official records, papers, etc. St. 1891, 340.

SECT. 85. Police officers may be assigned to agricultural and horticultural exhibitions. St. 1892, 180.

Special officers for emergencies must be residents of the Commonwealth. St. 1892, 413.

SECT. 95 *et seq.* Town clerks shall give bonds to account for moneys received for dog licenses. St. 1888, 320. (See 1888, 308.)

Shall make returns of votes cast at elections. St. 1893, 417, § 203. (See 1890, 175, 423, § 155.) And of votes on acceptance of acts by the town. St. 1883, 100.

Shall notify commissioners of prisons of appointment of certain police officers and constables. St. 1892, 290.

SECTS. 102-104. Form of oath modified. Provision to punish fraud in valuations. St. 1885, 355.

SECT. 112 *et seq.* Town clerks shall return names of constables to clerks of county courts within seven days after they qualify. St. 1889, 384.

SECT. 129. Superior court given concurrent jurisdiction. St. 1891, 293.

SECT. 130 applies to St. 1893, 423, § 41.

Chapter 28. — Of Cities.

General provision is made for the establishment of city governments. St. 1892, 377.

Words "mayor and aldermen" defined. St. 1882, 164.

Provision made for acting mayor in case of death, absence, etc., of mayor. St. 1882, 182.

The board of aldermen shall notify the mayor, aldermen, common councilmen and school committee of their election. St. 1885, 159.

Deposits of city moneys regulated. St. 1893, 266.

City officers shall demand and receive from their predecessors, under oath, their official records, papers, etc. St. 1891, 340.

City clerks shall notify secretary of the Commonwealth of vote on acts to take effect on acceptance. St. 1883, 100.

And of changes in wards and polling places. St. 1893, 417, § 105. (See 1884, 279, § 4; 1886, 78; 1888, 437; 1890, 423, § 71.)

And send him attested copies of records of votes for State officers. St. 1893, 417, § 179. (See 1890, 175, 423, § 155.)

They must return to clerks of courts names of constables elected or appointed. St. 1889, 384.

And must notify prison commissioners of appointment of certain police officers and constables. St. 1892, 290.

Cities may lay out lands for public parks. St. 1882, 154; 1890, 240; 1893, 300. (See 1893, 75, 416.) And for preservation of forests or preservation of water supply. St. 1882, 255. May establish and maintain public play-grounds. St. 1893, 225. And lease open spaces for play-grounds. St. 1893, 331. (See 1885, 157; 1893, 300, § 6.)

May lease public buildings, except school-houses, to grand army or veteran firemen's associations. St. 1885, 60; 1891, 218.

May appropriate money for enforcement of civil service laws. St. 1887, 345. And for certain anniversary celebrations. St. 1892, 166.

May indemnify police officers for injuries or expenses incurred while acting as such. St. 1888, 379. And persons required to assist them. St. 1893, 186.

May, by ordinance, require all fees, charges and commissions allowed to officials to be paid into the treasury. St. 1888, 308.

May contract for disposal of garbage, refuse, etc. St. 1889, 377.

May adopt the act requiring appropriations for exterminating insect pests. St. 1893, 78.

May furnish military or State aid to soldiers and sailors. St. 1889, 279, 301. Shall support certain soldiers and sailors and their families. St. 1890, 447; 1893, 237, 279. (See 1888, 438; 1889, 298.)

May expend money for watering streets and assess the whole or part of the expense on abutters. St. 1891, 179. (See 1890, 365.)

May take land for purification and disposal of sewage. St. 1890, 124.

May manufacture and distribute gas and electricity on certain conditions. St. 1891, 370; 1892, 259; 1893, 454.

May regulate sale by the load of prepared wood, slabs and edgings. St. 1891, 136.

Cities having a water supply may contribute with other cities and towns to construct a sewerage system to protect purity of supply. St. 1888, 160.

Tenure of police officers established in certain cities. St. 1890, 319.

Members of the police may be pensioned in cities containing not less than seventy-five thousand inhabitants. St. 1892, 378. (See 1892, 353; 1893, 51.)

Police matrons and houses for detention of women are required in certain cities. St. 1887, 234; 1888, 181.

SECT. 6. Any item in an ordinance or vote involving an appropriation of money, or raising a tax, may be separately vetoed. St. 1885, 312, § 3.

SECT. 7. Mayor may not vote in board of aldermen or joint convention. St. 1882, 180.

SECT. 11. Police officers may be assigned to agricultural or horticultural exhibitions. St. 1892, 180.

SECTS. 14-16. New division of wards in cities provided for. St. 1893, 417, § 96. (See 1884, 125, 181, § 9, 299, § 3; 1885, 156; 1886, 78, 283; 1888, 437.)

SECT. 19. See St. 1885, 159, § 3.

SECT. 23. No member of a city council is eligible by the city council or either branch thereof to any office the salary of which is paid from the city treasury. St. 1886, 117.

SECT. 25. Selectmen in towns may make these rules, etc. St. 1885, 197. And to regulate and control street musicians and coasting. St. 1892, 390.

Chapter 29. — Of Municipal Indebtedness.

“Net indebtedness” is defined. St. 1883, 127.

SECT. 4. The limit of city debts is reduced. St. 1885, 312. (See 1885, 178; 1892, 178; 1893, 23, 225, § 3, 247.)

Exception made in certain cases: Boston; 1886, 304; 1887, 312; 1888, 392; 1889, 68, 283, § 4; 1890, 271, 355, 444; 1891, 301, 323, 324; 1893, 481, § 20. Brockton; 1889, 176; 1890, 142; 1892, 42, 45, 247; 1893, 245, 269. Cambridge; 1888, 73; 1891, 316. Chicopee; 1893, 37. Everett; 1893, 128. Fall River; 1892, 367; 1893, 449. Fitchburg; 1890, 424; 1893, 110. Haverhill; 1891, 230. Holyoke; 1886, 178; 1891, 212; 1893, 141. Lowell; 1890, 120, 121. Lynn; 1888, 229; 1889, 172; 1890, 203, 258. Malden; 1892, 155. Marlborough; 1890, 135. Medford; 1893, 167. New Bedford; 1892, 150. Newburyport; 1886, 254. Newton; 1893, 233. Pittsfield; 1890, 357, § 10. Somerville; 1892, 153. Taunton; 1891, 150. Waltham; 1888, 185; 1893, 341. Worcester; 1888, 144; 1889, 157. (See 1890, 65; 1891, 27; 1893, 52, 101, 250.)

Damages for alteration of grade crossings are excepted. St. 1892, 178.

SECT. 6. Temporary loans in anticipation of taxes are limited. St. 1885, 312, § 4; 1889, 372.

They must be payable within one year. St. 1891, 221. They shall not be considered in determining the limit of indebtedness. St. 1893, 23.

SECTS. 7, 8. Issuing bonds, notes or scrip for city or town debts is authorized. St. 1884, 129; 1892, 245, § 7. (See 1889, 166; 1891, 321.)

SECT. 8 amended. Word “thirty” substituted for “twenty” in fourth line. St. 1892, 245, § 6. (See 1893, 225, § 3.)

Time for payment of “other debts” extended in certain cases. St. 1889, 166; 1891, 321.

SECT. 9. Fixed annual appropriations may be made as a substitute for a sinking fund. St. 1882, 133.

Sinking funds for sewer debts regulated. St. 1892, 245, § 9.

SECT. 15. Management of surplus accumulations of State sinking funds regulated. St. 1891, 259.

Chapter 30. — Of Aid to Soldiers and Sailors and to their Families.

This chapter is repealed, and the law as to State and military aid revised and extended. St. 1889, 279, 301; 1890, 447; 1893, 237. (See 1884, 34; 1885, 173, 204, 214; 1886, 39, 110; 1887, 122; 1888, 438; 1889, 298. Res. 1892, 84.)

Cities and towns must furnish relief to certain soldiers and sailors and their families. St. 1890, 447; 1893, 237. (See 1888, 438; 1889, 298.)

Provision is made for burial of deceased indigent soldiers, sailors and marines. St. 1889, 395; 1892, 184.

Grand army posts may distribute aid to soldiers. St. 1885, 189.

An agent for settlement of pension, bounty, and back pay claims, provided for. St. 1888, 396; 1891, 196.

Appointment of State trustees for the soldiers' home provided for. St. 1889, 282. (See 1890, 373.)

SECT. 1. Salary of third commissioner fixed. St. 1892, 291. (See 1885, 214; 1889, 279, § 9.)

Chapter 31. — Of the Census, the Bureau of Statistics of Labor and the Board of Supervisors of Statistics.

Certain useless papers may be burned. St. 1887, 43.

SECTS. 1-12 are revised. St. 1884, 181.

SECTS. 13-16. Additional statistics are required. St. 1886, 174. (See 1884, 181; 1885, 156; 1888, 437, § 6; 1892, 280.)

The report of the board may be in parts. St. 1890, 97.

A second clerk is provided for. St. 1884, 4.

Clerk's salaries fixed. St. 1888, 115. (See 1884, 4.)

SECT. 17 is amended. St. 1886, 101, § 4.

Chapter 32. — Of the Registry and Return of Births, Marriages and Deaths.

SECT. 1. Provision made for further particulars in records of deaths. St. 1887, 202; 1890, 402. (See 1889, 208.)

Depositions may be filed to complete or correct records and new copies made. Penalty imposed for false return. St. 1892, 305.

Returns of births and deaths of residents of other towns to be made to and recorded in such towns. St. 1889, 208.

SECT. 3 is revised and further statements required in certain cases. St. 1888, 63, 306; 1889, 224; 1893, 263.

SECT. 4. Returns of sextons and undertakers shall be preserved and arranged for reference. St. 1887, 202.

SECTS. 5, 6. Additional requirements for removal, transportation and burial of bodies. St. 1883, 124; 1887, 335; 1888, 306; 1893, 263, § 2.

SECT. 7. Additional facts to be reported. St. 1883, 158. The words "except Boston" are stricken out. St. 1889, 288.

SECTS. 11, 14-17. Special provisions for Boston. St. 1892, 314.

Chapter 33. — Of Workhouses and Almshouses.

No person whose insanity has continued less than twelve months may be detained in an almshouse without remedial treatment. St. 1890, 414, § 2. (See 1886, 319, § 3.)

Chapter 35. — Of Fires, Fire Departments and Fire Districts.

Provision for allowance to families of firemen fatally injured at fires. St. 1893, 401.

Pensions provided for in Boston. St. 1892, 347. (See 1880, 107; 1888, 174.) And a fire marshal. St. 1886, 354; 1887, 231.

Assistance for the Massachusetts State firemen's association provided for. St. 1892, 177.

SECT. 1. Forest fire-wards are provided for. St. 1886, 296, §§ 2, 3.

SECTS. 10, 11 were repealed by St. 1888, 199, which was repealed by St. 1889, 451, § 8. (See 1886, 296, § 4; 1887, 214, § 16; 1891, 229.)

SECT. 28. Additional apparatus required. St. 1888, 310.

Board of fire engineers, or chief of fire department, shall investigate origin, etc., of fires. St. 1889, 451; 1891, 229.

SECT. 29. Selectmen may remove engineers after notice and hearing. St. 1886, 113.

SECT. 35. Penalties prescribed for violations of rules. St. 1888, 220.

Chapter 36. — Of Fences and Fence Viewers, Pounds and Field Drivers.

SECTS. 1-19. Fences and like structures over six feet in height, maliciously erected, etc., are declared nuisances. St. 1887, 348.

Barbed wire fences are restricted. St. 1884, 272.

Chapter 37. — Of the Public Records.

A commissioner of public records is established, his duties prescribed and salary fixed. St. 1892, 333.

Provision for arranging and recording certain worn or indistinct records, etc. St. 1891, 225; 1892, 253.

SECT. 1 is revised and quality of paper regulated. St. 1891, 281.

SECT. 3. Provision for additional accommodations. St. 1886, 207.

SECT. 5. Records of deaths may also be copied. St. 1887, 202.

SECTS. 5-7. Indexes of records are to be kept. St. 1885, 190.

SECTS. 14, 15. In Boston, city registrar shall perform duties of city or town clerk under these sections. St. 1892, 314, § 3.

SECT. 15. City or town clerk shall demand the records, if not delivered. St. 1890, 227.

SECT. 16. Removal or mutilation of records of the Commonwealth is forbidden. St. 1890, 392.

The public records, books, papers and property of a city or town officer are to be demanded by, and delivered under oath to, his successor. St. 1891, 340.

Chapter 38. — Of Parishes and Religious Societies.

Provision is made for the incorporation and government of, and conveyance of property to, churches. St. 1887, 404; 1888, 326; 1891, 265. (See 1884, 78.)

Incorporated religious societies may make by-laws. St. 1888, 326.

SECTS. 18, 19. Religious societies shall not assess taxes except upon their pews. St. 1887, 419.

SECT. 21 is repealed. St. 1887, 419.

SECT. 43 is extended. St. 1886, 239.

Chapter 39. — Of Donations and Conveyances for Pious and Charitable Uses.

SECT. 1. Churches may appoint trustees, who shall be a body corporate for the purposes of this section. St. 1884, 78. (See 1887, 404; 1891, 265.)

Real estate held by deacons may be conveyed to the church, if incorporated. St. 1887, 404, § 7.

Chapter 40. — Of Library Associations.

SECT. 6. Allowance made to county law libraries. St. 1882, 246.

SECT. 9 *et seq.* The election, powers and duties of trustees of free public libraries and reading rooms are regulated. St. 1888, 304 ; 1889, 112.

A board of library commissioners is provided for. St. 1890, 347. They are authorized to aid free libraries in certain towns. St. 1892, 255.

Chapter 41. — Of the Board of Education.

SECT. 8. Salary of the secretary of the board fixed. St. 1885, 227.

SECTS. 8, 11. See St. 1893, 86, § 2.

SECT. 12. The board has the management of the State normal school boarding-houses. St. 1891, 384. And the supervision of the pupils in the Perkins institution and Massachusetts school for the blind. St. 1885, 118.

SECTS. 16, 17. The provisions for the instruction of deaf-mutes and deaf children are revised and extended. St. 1888, 239 ; 1889, 226. (See 1886, 241 ; 1887, 179.)

Chapter 43. — Of the School Funds.

SECTS. 1, 2. Certain payments into the fund are provided for. St. 1890, 335.

SECT. 3 is repealed. St. 1884, 22. The distribution of the income is revised. St. 1891, 177 ; 1893, 272. (See 1885, 227.)

Chapter 44. — Of the Public Schools.

Provision is made for a State nautical training school. St. 1891, 402 ; 1893, 124.

Free scholarships in the Massachusetts institute of technology are provided for. Res. 1887, 103.

School committees of cities and towns maintaining free evening schools may provide free evening lectures. St. 1893, 208.

Pretending in writing to hold a degree of a college or school, granting degrees without authority, and false assertions in writing of the approval by a college or professional school of a person, process or goods, are made criminal offences. St. 1893, 355.

SECT. 1. The use of hand tools may be taught. St. 1884, 69. Physiology and hygiene must be taught. St. 1885, 332.

SECTS. 1, 2. Evening schools and evening high schools are required in certain places. St. 1883, 174 ; 1886, 236. Notice of their opening must be given. St. 1887, 433, § 4. (See 1893, 208.)

A town not required to maintain a high school shall pay for the tuition of its children attending a high school in another town or city. St. 1891, 263.

The last session prior to Memorial day shall be devoted to exercises of a patriotic nature. St. 1890, 111.

SECT. 28. Diploma of a State normal school may be accepted in lieu of a personal examination of a teacher. St. 1891, 159.

Teachers, after a year's service, may be appointed to serve during the pleasure of the committee. St. 1886, 313.

SECTS. 35-40 are repealed. Text-books, supplies, etc., are furnished free. St. 1884, 103; 1885, 161. (See 1884, 69; 1885, 67.)

SECTS. 41-46. The district system is abolished. St. 1882, 219. (See 1884, 122.)

SECTS. 44, 45. Provision to aid small towns to unite to employ a superintendent. St. 1888, 431; 1893, 200. (See 1890, 379; 1891, 272; 1892, 301, 344, 360.)

Chapter 45. — Of School Districts.

The school district system is abolished. St. 1882, 219. But the right to sue or defend for districts is reserved. St. 1884, 122.

Chapter 46. — Of School Registers and Returns.

SECT. 3. See St. 1888, 348, § 7.

SECT. 15. The time for which payment is to cease is limited. St. 1891, 99.

Chapter 47. — Of the Attendance of Children in Schools.

SECTS. 1, 2 are revised and requirements of attendance and certain provisions as to methods of teaching changed. St. 1889, 464; 1890, 384; 1891, 361. (See 1883, 174, § 3; 1887, 433; 1888, 348; 1889, 135; 1890, 48, 299; 1891, 317.)

Further provisions made to prevent truancy. St. 1885, 71; 1889, 249, 422; 1890, 309; 1891, 426; 1892, 62. (See 1893, 253.)

SECT. 9. Additional provisions to prevent introduction of contagious diseases into schools. St. 1884, 98; 1885, 198; 1890, 102. (See 1884, 64.)

Chapter 48. — Of the Employment of Children and Regulations respecting Them.

Certain words used in statutes relating to the employment of labor are defined. St. 1887, 103, § 5.

SECTS. 1-6. The regulations as to the employment of children are revised and extended, and sanitary protection provided for. St. 1884, 275; 1887, 121, 173, 215, 218, 280, 330, 422, 433; 1888, 305, 348; 1889, 135, 229, 291; 1890, 48, 90, 183, 299; 1891, 317; 1892, 83, 210, 352, 357. (See 1883, 157, 224; 1885, 222, 305; 1887, 103.)

SECT. 7. Employment of children who cannot read and write in the English language regulated. St. 1887, 433; 1888, 348; 1889, 135, 291; 1890, 48, 299; 1891, 317.

Children under ten shall not be permitted to enter street cars to sell newspapers, etc. St. 1889, 229.

Persons under fifteen shall not be employed to operate certain elevators. St. 1890, 90.

SECTS. 8, 9. No minor shall be employed to sell or distribute papers devoted to criminal news. St. 1885, 305.

Admission of children under thirteen to certain shows and places of amusement is restricted. St. 1887, 446.

Illegal peddling and begging by children are prohibited. St. 1887, 422. (See 1885, 305; 1892, 331.)

SECTS. 10, 12 are extended. Provision for approval of by-laws by judge of probate is omitted. St. 1889, 249.

Further provisions made to prevent truancy. St. 1885, 71; 1889, 249, 422; 1890, 309; 1891, 426; 1892, 62.

SECT. 11. Truant officers in Boston are placed under the civil service rules. St. 1893, 253.

SECTS. 13, 14 amended. The provisions for county and union truant schools are revised. St. 1884, 155; 1890, 309; 1891, 389, 426; 1892, 62. (See 1889, 249, § 2.)

SECTS. 15, 27 amended. St. 1886, 101, § 4.

SECTS. 18-27. Further provisions made for care, education and protection of neglected, destitute and abandoned children. St. 1882, 181, 270; 1883, 232, 245; 1885, 176; 1886, 330; 1887, 401; 1888, 248; 1889, 230, 309; 1891, 194; 1892, 318; 1893, 197, 217, 252, 262. (See 1884, 210; 1886, 101; 1887, 441; 1889, 416.)

SECT. 19 is amended. St. 1883, 245.

SECT. 22 *et seq.* Provisions regulating infant boarding-houses and adoptions. St. 1889, 309, 416; 1891, 194; 1892, 318. (See 1882, 270, § 3; 1889, 416.)

Chapter 49.—Of the Laying Out and Discontinuance of Ways, and of Damages occasioned by the Taking of Land for Public Use.

A commission for improvement of public roads is provided for. St. 1893, 476.

Provision for establishment of a building line on public ways. St. 1893, 462.

A metropolitan park commission is established. St. 1893, 407.

Park commissioners are given certain powers in regard to highways connected with public parks. St. 1893, 300.

SECTS. 1, 10, 13. Towns may alter, etc., but not discontinue, county highways or bridges within their limits. St. 1891, 170.

Land may be taken for public parks. St. 1882, 154; 1890, 240. (See 1893, 225, 300, 331.)

For the cultivation or preservation of trees. St. 1882, 255.

And for the purification and disposal of sewage. St. 1890, 124.

Sewer and water pipes may be laid in ways before taking possession for construction. St. 1893, 65.

SECTS. 6, 14 *et seq.* County commissioners may lay out, etc., highways under the betterment law, where accepted. St. 1887, 124. (See 1884, 226.)

They may determine locations of public landing places. St. 1882, 109.

SECT. 18. New provision made in regard to payment of damages. St. 1883, 253.

SECTS. 33, 79, 91 revised and extended. Time for application for a jury more particularly defined. St. 1892, 415.

SECT. 47. Officers' *per diem* for attendance fixed. St. 1882, 96.

SECTS. 84-86 are revised and powers of street commissioners modified. St. 1888, 397; 1891, 323, §§ 8, 10, 14; 1892, 415, § 3, 418, §§ 3, 5, 7.

Board of survey established, and methods of locating, laying out and constructing ways in Boston regulated. St. 1891, 323; 1892, 415, 418; 1893, 478.

SECT. 88. Provision for extending limit of time by agreement. St. 1893, 82.

SECT. 91. Application for jury may be brought within the time specified in section 33, notwithstanding the charter. St. 1892, 415, § 4.

SECT. 105. Petition for damages for land taken by a town in Dukes or Nantucket may be brought in Bristol county. St. 1887, 50. (See 1885, 384, § 1.)

Chapter 50. — Of Sewers, Drains and Sidewalks.

A metropolitan system of sewerage is provided for. St. 1889, 439. (See 1891, 192.)

SECT. 1. Cities and towns may take land for the purification and disposal of sewage. St. 1890, 124. (See 1888, 160; 1893, 304, 417, § 266.)

SECTS. 1, 3-8. Construction of, and assessments and charges for, sewers, regulated. St. 1891, 97; 1892, 245; 1893, 65, 380. In Boston. St. 1892, 402. (See 1889, 456; 1890, 346; 1893, 304, 417, § 266.)

Provision made for enforcing connection with public sewers. St. 1889, 108; 1890, 132. (See 1892, 245, § 4.) And repair of private drains in streets. St. 1893, 312.

SECT. 5. Land sold may be redeemed as if sold for taxes. St. 1883, 145. The lien shall continue two years. St. 1886, 210. (See 1884, 237; 1892, 245, § 1.)

SECT. 20. Construction of sidewalks in Boston regulated. St. 1892, 401; 1893, 437. (See 1891, 323; 1892, 415, 418.)

SECT. 21. Barbed wire fences are restricted. St. 1884, 272.

SECT. 25. In cities which accept the act assessments may be apportioned into not more than ten annual instalments. St. 1891, 97; 1893, 380. (See St. 1892, 245, § 8.)

Chapter 51. — Of Betterments and other Assessments on Account of the Cost of Public Improvements.

This chapter applies to alterations of ways at railroad crossings. St. 1884, 280. And to laying out public parks. St. 1882, 154, § 7. (See 1893, 300, § 2.)

The authorities may agree to assume betterments if land owners will release damages. St. 1884, 226.

SECTS. 1-9. Extended to alterations, etc., of highways by towns. St. 1891, 170, § 3.

Assessments bear interest after thirty days and the lien continues for one year after determination of any suit to test their validity. St. 1884, 237. (See 1886, 210.)

SECT. 11. Notice of assessment of betterment must be given within three months to party to be charged. St. 1885, 299.

County commissioners may lay out, etc., highways under the betterment act, where accepted. St. 1887, 124. (See 1884, 226.)

Chapter 52.—Of the Repair of Ways and Bridges.

SECT. 10, as to trimming, etc., of trees, is revised. St. 1885, 123, § 2. (See 1890, 196; 1891, 49; 1892, 147; 1893, 78, 403.)

SECT. 19. Notice shall not be invalid for unintentional inaccuracy if party entitled to notice was not misled. St. 1882, 36; 1888, 114.

Words "in the superior court" stricken out. St. 1888, 114. (See 1882, 36.)

Chapter 53.—Of the Regulations and By-laws respecting Ways and Bridges.

Canals and waterways adjudged to be dangerous to public travel must be fenced. St. 1887, 393.

SECT. 1 revised. Guide posts shall be erected at forks and intersections of ways leading to other towns. St. 1887, 162.

SECT. 13 *et seq.* Certain rights of way in the streets, etc., are given to the police in Boston. St. 1889, 57.

Selectmen in towns may regulate vehicles in streets. St. 1885, 197. And street musicians and coasting. St. 1892, 390.

SECT. 16 amended. St. 1892, 390.

SECT. 18. County commissioners may regulate the speed at which persons may ride or drive over certain bridges. St. 1888, 313. (See 1882, 108.)

SECT. 28 *et seq.* See St. 1889, 246; 1890, 118.

Chapter 54.—Of the Boundaries of Highways and other Public Places and Encroachments thereon.

Provision for establishment of a building line on public ways. St. 1893, 462.

An act to protect trees from disfigurement. St. 1893, 403.

Erection and maintenance of posts, wires and structures in highways regulated. St. 1884, 302, 306; 1889, 398, 434. (See 1883, 221.)

Barbed wire fences are restricted. St. 1884, 272.

SECTS. 6–11. Further provisions for planting, cutting, trimming and preservation of shade trees. St. 1885, 123; 1890, 196; 1891, 49; 1892, 147. (See Res. 1886, 32. St. 1893, 78, 403.)

SECTS. 9 and 12 are repealed. St. 1885, 123, § 3.

SECT. 16. See St. 1893, 75.

Chapter 56.—Of the Inspection and Sale of Butter, Cheese, Lard, Fish, Hops, Leather, and Pot and Pearl Ashes.

Provision made for a State dairy bureau and protection of dairy products. St. 1891, 412; 1892, 139.

SECTS. 3–21. Sale of imitations of butter regulated. St. 1884, 310; 1885, 352; 1886, 317; 1891, 58, 412. (See 1882, 263.)

Sale of adulterated lard regulated. St. 1887, 449.

SECT. 20. Powers and duties of inspectors increased. St. 1884, 310, § 2; 1885, 352, § 5; 1891, 58, § 2. (See 1882, 263.)

SECT. 22 *et seq.* Public weighers of salt-water fish provided for. St. 1888, 163.

Chapter 57. — Of the Inspection and Sale of Milk.

Municipal, district and police courts and trial justices are given jurisdiction under this chapter. St. 1885, 149. (See 1893, 396, § 40.)

Provision is made for a State dairy bureau and protection of dairy products. St. 1891, 412; 1892, 139.

This chapter is not repealed or amended by St. 1882, 263. St. 1884, 289, § 4.

SECT. 2 is revised and powers and duties of inspectors modified. St. 1884, 289, 310, §§ 3, 4; 1885, 352, §§ 4, 5; 1886, 318; 1891, 58, § 3, 412, § 10.

SECTS. 5, 7, 9 are revised. Additional provisions against adulteration of milk. St. 1884, 289, 310; 1885, 352; 1886, 318; 1891, 412. (See 1882, 263; 1889, 326.)

An act to protect owners of cans used in sale of milk, cream, etc. St. 1893, 440.

SECT. 8. It is made an offence to obstruct an inspector. St. 1884, 310, § 5. And to counterfeit his seal or tamper with samples. St. 1888, 318, § 4. And to wilfully deface and misuse milk cans. St. 1885, 133.

SECT. 12 is repealed. St. 1885, 145.

Chapter 58. — Of the Inspection and Sale of Provisions and Animals intended for Slaughter.

Further provisions to prevent adulteration of food and drugs. St. 1882, 263; 1884, 289; 1886, 171. (See 1883, 263.)

Provision made for the suppression of contagious diseases among cattle. St. 1884, 232; 1887, 250, 252; 1892, 195, 432; 1893, 306. (See 1885, 148, 378.)

The sale of dressed poultry is regulated. St. 1887, 94. (See 1883, 230.)

SECTS. 1, 2. Inspectors must be appointed annually. St. 1892, 195, 432. (See 1893, 306, § 5.)

SECT. 7 is repealed. St. 1892, 195, § 4.

Chapter 59. — Of the Inspection and Sale of Certain Oils.

SECTS. 6, 7. Provision is made to regulate preparation, storage, inspection and sale of certain unsafe oils, and kerosene and petroleum products. St. 1885, 98, 122. (See 1882, 250.)

Chapter 60. — Of the Inspection and Sale of Various Articles.

Dealers in ice must provide each wagon with scales and weigh ice when requested. St. 1890, 276.

SECTS. 11–16 are repealed and new provisions made. St. 1888, 296.

SECT. 17 is repealed. St. 1883, 29.

SECT. 20. A standard measure for cranberries is established. St. 1884, 161. (See 1883, 225; 1890, 426.)

SECTS. 21, 22 are revised and other articles added. St. 1888, 414.

SECTS. 56, 57 are revised and sections 58–60 repealed. Wire nails are included. Penalties and forfeitures regulated. St. 1892, 63.

SECTS. 69-71. Provisions against adulteration of vinegar and for compensation of inspectors. St. 1883, 257; 1884, 163, 307; 1885, 150.

SECTS. 72-78. Cities may regulate sale by the load of prepared wood, slabs and edgings. St. 1891, 136.

SECTS. 79-82. Sale of coal by measure regulated. St. 1883, 218; 1884, 70. (See 1883, 225.)

Chapter 61. — Of the Inspection of Gas and Gas Meters.

A board of gas and electric light commissioners is established and their powers and duties prescribed. St. 1885, 314; 1886, 346; 1887, 382, 385; 1888, 350; 1889, 373; 1891, 351, 370; 1892, 259, 263. (See 1888, 428.)

Clerk's salary fixed. St. 1891, 351.

The manufacture, sale and inspection of gas and electric light regulated. St. 1885, 240, 314; 1886, 346; 1887, 382, 385; 1888, 350; 1889, 169; 1890, 252; 1891, 370; 1892, 67, 259, 263, 274; 1893, 454. (See 1886, 250; 1888, 428; 1890, 404.)

SECT. 1 amended. Tenure of office regulated. St. 1889, 169.

SECTS. 13, 14 do not apply to gas for heating, cooking, chemical and mechanical purposes. St. 1885, 240.

SECT. 14 amended. St. 1892, 67. (See 1886, 250; 1890, 252.)

Chapter 63. — Of the Survey and Sale of Lumber, Ornamental Wood and Ship Timber.

SECTS. 1, 2, 3, 4, 5, 16, 19 are revised. St. 1890, 159.

Chapter 65. — Of Weights and Measures.

The weights, measures and balances to be kept by counties, cities and towns, are defined and inspection provided for. St. 1890, 426.

The sale of coal by measure regulated. St. 1883, 218; 1884, 70.

SECT. 8. Sealers are to be appointed in cities by mayor and aldermen. St. 1882, 42.

SECT. 21. Unlawful measures may be seized. Their possession implies unlawful intent. St. 1883, 225.

Chapter 67. — Of Auctioneers.

SECTS. 1, 5 are revised. St. 1886, 289.

SECT. 6 amended and auction sales further regulated. St. 1890, 449; 1891, 144. (See 1886, 289.)

Chapter 68. — Of Hawkers and Peddlers.

SECT. 1. Itinerant venders must be licensed. Sales by them regulated. St. 1890, 448. (See 1883, 168; 1885, 309; 1887, 422, 445; 1890, 449; 1891, 144.)

Provision to prevent illegal peddling by minors. St. 1887, 422; 1892, 331. (See 1885, 305.) And peddling near licensed picnic groves. St. 1887, 445. (See 1885, 309.)

SECTS. 1, 2. Cities may regulate sale by hawkers and peddlers of any articles mentioned in section one. St. 1883, 168.

SECT. 2. New provisions made for licensing minors and regulating sales by them. St. 1892, 331. (See 1887, 422.)

SECTS. 4, 9. Licenses may be granted to persons over seventy years of age. St. 1883, 118. And to certain honorably discharged soldiers and sailors. St. 1889, 457.

SECT. 17. See St. 1890, 448.

Chapter 69. — Of Shipping and Seamen, Harbors and Harbor Masters.

Copy of registers of foreign vessels must be filed with commissioner of corporations and the commissioner appointed agent to receive service of legal process. St. 1889, 393. (See 1884, 330.)

SECTS. 1-9. Provision made for transportation of shipwrecked seamen. St. 1886, 179.

SECT. 8. Clause as to advance wages stricken out. St. 1889, 284.

SECT. 11. Harbor lines established: Boston; 1882, 48; 1891, 309. Chelsea; 1887, 344. Gloucester; 1882, 103; 1883, 109. (See 1885, 315.) Haverhill; 1883, 104.

SECT. 23. Further provisions for protection of harbors, beaches and shores. St. 1884, 269; 1892, 206. Boston; 1892, 358. Marblehead; St. 1892, 214.

SECT. 25. Provision for assistant harbor masters. St. 1882, 216. (See 1884, 173.)

Appointment of harbor masters in Boston regulated. St. 1889, 147.

SECTS. 26, 29, 33. Powers of harbor masters extended. St. 1884, 173. Regulations made for Gloucester harbor. 1885, 315.

SECT. 33 extended to sections 23-32. St. 1884, 173.

Chapter 70. — Of Pilots and Pilotage.

Additional pilots provided for. St. 1882, 174; 1887, 298.

Pilotage fees established: Cohasset; St. 1887, 298. Salem and Beverly; 1887, 204. Winthrop; 1892, 114. Wood's Holl; 1889, 275. (See 1888, 288.)

SECT. 12. The pilots shall be "for any or all of said ports." St. 1890, 300.

SECTS. 26-32. Certain exemptions from fees are made. St. 1884, 213, 252.

SECT. 30. Limit extended. St. 1884, 252, §§ 2, 3.

SECT. 39. It is forbidden to assume or continue to act, without authority, as a pilot. St. 1884, 252, § 6.

Chapter 72. — Of Public Warehouses.

SECT. 2. Bond and sureties are to be approved by the governor. St. 1885, 167.

SECT. 5. Provision for non-negotiable receipts assignable only on the books of the warehouseman. St. 1886, 258.

SECT. 10. Goods may be sold to pay charges a year overdue. St. 1887, 277.

Chapter 74. — Of the Employment of Labor.

A State board of arbitration and conciliation is established. St. 1886, 263; 1887, 269. Clerk provided for. St. 1888, 261. And expert assistants. St. 1890, 385; 1892, 382.

Employment in the civil service is regulated. St. 1884, 320; 1887, 364, 437; 1888, 41, 253, 334; 1889, 177, 183, 351, 352, 473; 1891, 140.

Certain words used in statutes relating to labor are defined. St. 1887, 103, § 5.

Sanitary provisions in factories, etc., are regulated. St. 1887, 103, 173, 218; 1888, 305, 426. (See 1887, 215.)

Employment of women and children regulated. St. 1882, 150; 1884, 275; 1887, 103, 121, 173, 215, 218, 280, 330, 433; 1888, 305, 348, 426; 1889, 135, 291; 1890, 48, 90, 183, 299; 1891, 317; 1892, 83, 210, 352, 357. (See 1883, 157; 1890, 179.)

Provision to prevent manufacture of clothing in unhealthy places. St. 1891, 357; 1892, 296; 1893, 246.

Deductions from wages for imperfections in weaving restricted. St. 1892, 410. (See 1887, 361; 1891, 125.)

It is made an offence to compel any person, as a condition of employment, to agree not to join a labor organization. St. 1892, 330.

Workmen employed by a contractor on public work for a city or town may sue the city or town for their wages, on certain conditions. St. 1892, 270.

Provision to prevent persons not residents of the Commonwealth acting as officers to protect property of employers of labor. St. 1892, 413.

Provision for authorizing bells, gongs and whistles for factories, etc. St. 1883, 84.

Weekly payment of wages by corporations required and regulated. St. 1886, 87; 1887, 399; 1891, 239.

Leave of absence to vote provided for. St. 1893, 417, § 3. (See 1887, 272; 1890, 423, §§ 143, 144.)

SECT. 3. Liability of employers for injuries to employees extended and regulated. St. 1886, 260; 1887, 270; 1888, 155; 1890, 83; 1892, 260; 1893, 359. (See 1883, 243; 1886, 140, 173; 1890, 179.)

Reports of accidents shall be made to district police. St. 1886, 260; 1890, 83. And receipt thereof acknowledged. St. 1893, 111.

SECT. 4. Hours of labor regulated in certain cases. St. 1884, 275; 1887, 215, 280, 330; 1888, 348, §§ 1, 2; 1890, 183, 375; 1891, 350; 1892, 83, 352, 357; 1893, 336, 406. (See 1883, 157; 1886, 90.)

Nine hours shall constitute a day's work for laborers, mechanics, etc., employed by the State or any county, city or town. St. 1890, 375; 1891, 350. And State contracts for manual labor shall so provide. St. 1893, 406.

Chapter 75. — Of Limited Partnerships.

SECT. 3. Name of a former firm may be used with consent of its members. St. 1887, 248, § 1.

SECTS. 7, 8, 12 amended. Interest and liability of special partners regulated. St. 1887, 248.

Chapter 76. — Of the Use of Trade-Marks and Names.

An act to protect owners of cans, bottles, etc., used in sale of milk, cream, soda water and other beverages. St. 1893, 440. And to protect use of labels, trade-marks and forms of advertising. St. 1893, 443.

Chapter 77. — Of Money, Bills of Exchange, Promissory Notes and Checks.

SECT. 1. The par of exchange established by United States Rev. Sts., § 3565, is adopted. St. 1882, 110.

SECT. 3 is not repealed by St. 1888, 388.

Interest on and discharge of small loans regulated. St. 1888, 388; 1892, 428. (See 1890, 416.)

SECT. 8 *et seq.* When Christmas falls on a Sunday the next day is a holiday. St. 1882, 49.

The first Monday of September is "labor's holiday." St. 1887, 263.

No written promise to pay money shall be held not to be a promissory note or not negotiable because time of payment is uncertain, if it is payable in any event. St. 1888, 329.

Provision made for payment of checks, drafts, etc., presented after death of drawer. St. 1885, 210.

Chapter 78. — Of the Prevention of Frauds and Perjuries.

No agreement to make a will, devise or legacy, is binding unless in writing. St. 1888, 372.

Chapter 79. — Of the State Board of Health, Lunacy and Charity.

The board is divided into a board of health, and a board of lunacy and charity. St. 1886, 101.

Salary of secretary fixed. St. 1889, 370.

The board of health is given general supervision of inland waters and sources of water supply. St. 1888, 375; 1890, 441, § 1. (See 1884, 154; 1886, 274; 1889, 439.)

It may forbid sale of impure ice. St. 1886, 287.

Appropriation for enforcing laws against adulterations increased. St. 1891, 319. (See 1882, 263, § 5; 1883, 263; 1884, 289, § 1.)

It must report prosecutions and expenditures. St. 1884, 289, § 2.

The governor may detail an officer of the district police to assist in cases of deserted and unprotected children, and of bastardy. St. 1885, 158.

SECT. 9. Classes of inmates who may be removed specified. St. 1887, 367. (See 1886, 219, 319; 1887, 346.)

Chapter 80. — Of the Preservation of the Public Health.

A metropolitan system of public parks is provided for. St. 1893, 40. And improvement of Charles river. St. 1893, 475.

Provision made to prevent adulteration of food and drugs. St. 1882, 263; 1884, 289; 1886, 287; 1891, 319. (See 1883, 263; 1891, 374, 412.)

To prevent sale of toys or confectionery containing arsenic. St. 1891, 374.

To prevent sale of impure ice. St. 1886, 287.

To prevent manufacture of clothing in unhealthy places. St. 1891, 357; 1892, 296; 1893, 246.

To prevent feeding of garbage, refuse, or offal, to milch cows. St. 1889, 326.

To authorize and regulate crematories. St. 1885, 265.

To abate nuisances by smoke in large cities. St. 1893, 353.

For suppression of contagious diseases among cattle. St. 1884, 232; 1887, 250, 252; 1892, 195, 432; 1893, 306. (See 1885, 148, 378.)

For registration and regulation of pharmacists. St. 1885, 313; 1887, 267; 1893, 227, 472. And of dentists. St. 1887, 137. And plumbers. St. 1888, 105; 1893, 477. (See 1882, 252, § 2; 1892, 419, §§ 120, 138.)

Supreme judicial court in equity may enforce provisions of this chapter and acts in addition thereto. St. 1893, 460.

SECTS. 1, 53, 93 amended. St. 1886, 101, § 4.

SECT. 3. Provision for filling vacancies in town boards of health. St. 1885, 307.

SECT. 10. Local boards may close places of burial. St. 1885, 278, § 1.

SECT. 12. Provisions for regulation of house drainage and connection with public sewers. St. 1889, 108; 1890, 74, 132.

SECTS. 21-23. Privy vaults are restricted in cities. St. 1890, 74.

SECT. 28. Expenditure under this section, without a previous appropriation, is limited. St. 1887, 338, § 1.

SECTS. 30-32. Right given of appeal and trial by jury, as in case of land taken for highways. St. 1887, 338, §§ 2, 3.

SECT. 60. Further provisions regulating infant boarding-houses and adoptions. St. 1889, 309; 1891, 194; 1892, 318. (See 1882, 270; 1885, 176; 1889, 416; 1893, 262.)

SECT. 69 amended. St. 1893, 79.

SECT. 70. Massachusetts homœopathic hospital aided, and appointment of trustees provided for. St. 1890, 358.

SECTS. 78, 79 are repealed and new provisions made as to notices and reports of contagious diseases. St. 1883, 138; 1884, 98; 1890, 102; 1891, 188; 1893, 302.

SECT. 83 amended. St. 1886, 101, § 4. (See 1883, 138; 1893, 302.)

SECTS. 88-91 amended. Appeals and proceedings regulated. St. 1889, 193. (See 1883, 133.)

SECT. 92. Consent of common council required in cities. St. 1893, 106.

SECT. 96 *et seq.* Further provision made to protect the purity of inland waters and sources of water supply. St. 1884, 154, 172; 1888, 160, 375; 1890, 441. (See 1886, 274; 1893, 407.)

A metropolitan sewerage system is established. St. 1889, 439.

SECTS. 98-100 are repealed. St. 1884, 154.

SECTS. 103-105 are repealed. St. 1891, 120.

Chapter 81. — Of the Promotion of Anatomical Science.

SECT. 1. Change made in persons by whom permits may be given. St. 1891, 185, 406.

SECT. 3 repealed. St. 1891, 185.

SECT. 4. Friends have three days to ask for burial. St. 1891, 185, § 2.

Chapter 82. — Of Cemeteries and Burials.

Provision made for commissioners of burial grounds in towns. St. 1890, 264.

Cremation of the dead authorized and regulated. St. 1885, 265.

Change of corporate name provided for. St. 1891, 360; 1892, 198, 201.

SECT. 3 is repealed and new provisions made defining rights of widows and children in burial lots and tombs. St. 1885, 302; 1892, 165. (See 1883, 262.)

SECT. 6. Conveyances need be recorded only in the records of the corporation. St. 1883, 142; 1889, 299.

Records must be kept of all conveyances and contracts in relation to lots. St. 1889, 299. (See 1883, 142.)

SECT. 17. Towns and cities may receive funds for care, improvement and maintenance of burial places and lots. St. 1884, 186; 1890, 264, § 4.

SECT. 19. Boards of health may close any place of burial. St. 1885, 278, § 1.

SECT. 24. To sustain an appeal the jury must find that the closing was not necessary for the protection of the public health. St. 1885, 278, § 2.

SECTS. 25-28 are repealed. St. 1885, 278, § 3.

Chapter 84. — Of the Support of Paupers by Cities and Towns.

Provision made for remedial treatment of recently insane paupers. St. 1886, 319, § 3.

False representations for the purpose of causing any person to be supported as a pauper are made an offence. St. 1891, 343.

Provision made for custody and care of pauper children. St. 1882, 181; 1883, 232, 245; 1886, 330; 1887, 401; 1888, 248; 1889, 230; 1893, 197, 217, 252.

SECT. 2. See St. 1890, 414; 1893, 423, § 12.

SECT. 3 is extended to towns. St. 1893, 197. The State board of lunacy and charity may act in certain cases. St. 1887, 401; 1893, 197, § 2. (See 1889, 230, § 2.)

SECT. 6. The pauper and his estate are made liable for expenses incurred for him. St. 1882, 113.

SECTS. 14-18. Transportation of destitute shipwrecked seamen provided for. St. 1886, 179.

SECT. 17. Overseers shall bury unclaimed or unidentified bodies upon which inquests have been held. St. 1887, 310, § 3.

Burial of deceased indigent soldiers, sailors and marines provided for. St. 1889, 395; 1892, 184.

The sums which may be paid for burial of paupers are increased. St. 1890, 71.

SECT. 18. Period for which aid may be furnished increased. St. 1891, 90, § 1.

SECTS. 18, 21, 35 amended. St. 1886, 101, § 4.

SECT. 20. Towns and cities may contract with hospitals for temporary care of the unfortunate and sick. St. 1890, 119.

SECT. 21 amended. St. 1883, 232, § 1. (See 1882, 181, 270; 1883, 245; 1885, 176; 1886, 330; 1887, 401; 1888, 248; 1893, 217.)

SECT. 29. Removal by overseers to be made within one month after notice. St. 1891, 90, § 2.

Chapter 85.—Of the Maintenance of Bastard Children.

SECT. 1. Clerk of court may receive complaint and issue warrant. St. 1885, 289.

SECT. 2 amended. St. 1886, 101, § 4.

SECT. 6. Accused may be committed until bond be given. Provision for approval of bond. St. 1891, 367.

Chapter 86.—Of Alien Passengers and State Paupers.

SECT. 1 amended. St. 1886, 101, § 4.

SECT. 13. A new board for both almshouse and workhouse is established and regulated. St. 1884, 297; 1891, 299.

SECTS. 16, 19. The same person may be superintendent and resident physician. St. 1883, 278.

SECT. 21. Change made in persons who may give certificates. St. 1891, 84.

SECT. 22 *et seq.* The removal of sick paupers is further regulated. St. 1885, 211; 1887, 440.

SECTS. 26, 31. Further requirements as to bills charged to the Commonwealth. St. 1885, 211; 1891, 153.

SECT. 28 was repealed by St. 1883, 239, which was again repealed and new provisions made by St. 1886, 298. (See 1884, 88.)

SECT. 31. See St. 1885, 211.

SECT. 37 is extended to persons not being sentenced inmates. Complaints regulated. St. 1884, 258. (See 1886, 101, § 4.)

SECT. 39. Board of lunacy and charity may transfer pauper lunatics to asylum at State almshouse. St. 1888, 69.

SECT. 44 *et seq.* New provisions made as to care of children. St. 1882, 181; 1883, 232; 1886, 330; 1888, 248; 1893, 217, 252.

A limited number of children afflicted with epilepsy or chronic disease may be placed in hospital cottages at Baldwinville, which are aided, and State trustees are provided for. St. 1887, 441; 1889, 230; 1890, 354; 1892, 407. (See Res. 1888, 91.)

SECT. 46 amended. St. 1882, 181, § 1.

Chapter 87.—Of Lunacy and Institutions for Lunatics.

SECTS. 1, 29 amended. St. 1886, 101, § 4.

SECT. 2 *et seq.* Additional hospital accommodations provided for at Westborough; St. 1884, 322. In eastern Massachusetts; St. 1890, 445. At Medfield and Dover; St. 1892, 425. A hospital for male dipsomaniacs and inebriates; St. 1889, 414; 1890, 251; 1891, 158. (See 1885, 339; 1893, 395. Res. 1892, 33, 50, 55.)

SECT. 4. Number of trustees increased. St. 1884, 149.

SECT. 6 *et seq.* At all State institutions for the insane, provision shall be made for fire escapes and apparatus. St. 1890, 378.

SECT. 7. Female assistant physicians provided for. St. 1884, 116.

SECT. 9. Time of meeting and of report changed. St. 1887, 170.

SECT. 11 *et seq.* Further provisions as to commitment and custody of insane. St. 1884, 234, 322, §§ 7, 9; 1885, 339, 385; 1886, 219, 319; 1887, 346; 1889, 90, 414; 1890, 414; 1891, 158; 1892, 53, 229. (See 1883, 148.)

SECTS. 11, 37, 46. Cities of over fifty thousand inhabitants may establish asylums for chronic insane. St. 1884, 234.

Chronic and quiet insane may be cared for in private families. St. 1885, 385.

SECT. 13. See St. 1892, 229.

SECT. 14 repealed. St. 1892, 53, § 2.

SECT. 15. See St. 1884, 322, § 7.

SECT. 21. Fees as witnesses of salaried officers regulated. St. 1890, 440.

SECT. 25. Application shall be made in case of any insane person deprived of proper treatment. St. 1890, 414, § 1.

SECT. 26. See St. 1884, 234.

SECTS. 32-34. Commonwealth shall pay for support of certain criminals committed to insane hospitals. St. 1883, 148; 1889, 90.

Provision to reimburse towns in certain cases. St. 1892, 243.

SECT. 37. Name of temporary asylum changed. St. 1887, 239.

SECT. 38 *et seq.* The transfer of the insane regulated. St. 1884, 234, § 3, 322, §§ 7, 9; 1885, 339, §§ 2, 3, 385; 1886, 219, 319; 1887, 346, § 2, 367; 1889, 414, § 16; 1890, 414; 1891, 158.

SECT. 40. Superintendents may be authorized to discharge patients and may allow temporary absences. St. 1883, 78. (See 1885, 339, § 3; 1886, 319.)

SECT. 46 *et seq.* Overseers of the poor shall not commit or detain recently insane persons in an almshouse without remedial treatment. They must give notice to the State board of the admission and discharge of the insane. St. 1890, 414. (See 1886, 319, § 3.)

SECTS. 47-49 are repealed. The asylum at Ipswich is discontinued. St. 1887, 207. (See 1890, 445.)

SECT. 50. See St. 1887, 367.

SECT. 55 *et seq.* Name changed to "school for the feeble-minded." Regulations revised. St. 1883, 239; 1886, 298. The allowance is increased. St. 1887, 123. (See 1884, 88; 1886, 298, § 4.)

Chapter 88. — Of the State Workhouse.

Name changed to "State farm." St. 1887, 264.

A new board is established. St. 1884, 297; 1891, 299. (See 1883, 279; 1887, 264.)

SECT. 4 amended. St. 1886, 101, § 4.

SECTS. 5-8. Persons not being sentenced inmates, who escape and within one year are found begging, may be punished. St. 1884, 258. (See 1889, 245.)

Provision made for transfer of prisoners to and from the State farm. St. 1884, 297; 1887, 292; 1890, 180, 278.

Chapter 89. — Of the State Primary and Reform Schools and the Visitation and Reformation of Juvenile Offenders.

SECTS. 1, 8. Name of reform school changed to Lyman school; and authority of trustees extended and commitments regulated. St. 1884, 323; 1885, 86, 151. (See 1884, 255, § 11.)

SECTS. 4, 5. Provision made for care and maintenance of pauper children between the ages of three and sixteen having no settlement. St. 1882, 181; 1883, 232, § 3; 1886, 330. (See 1888, 248.)

SECTS. 5, 7 amended. St. 1886, 101, § 4.

SECT. 15 *et seq.* Girls committed by United States courts are to be sent to the State industrial school for girls. St. 1887, 426, § 2.

Arrests and commitments of children regulated. St. 1882, 127, 181, § 3; 1883, 110; 1884, 255, § 11, 323, § 3; 1888, 248. (See 1887, 266; 1889, 469.)

No boy over fifteen shall be committed to the Lyman school. St. 1884, 255, § 11, 323, § 3.

SECT. 18. Summons to be issued to children under twelve. St. 1882, 127, § 3.

SECT. 20. New provision made as to notice of complaint. St. 1883, 110.

SECT. 33. Fees and charges of salaried officers regulated. St. 1889, 469; 1890, 440; 1891, 325.

SECT. 45. Trustees may discharge boys for mental incapacity or bodily infirmity. St. 1889, 123.

SECTS. 49, 51 repealed. St. 1888, 248, § 2. (See 1882, 181, § 3; 1887, 266.)

Chapter 90. — Of Contagious Diseases among Cattle, Horses and Other Domestic Animals.

A new board of cattle commissioners is established. St. 1885, 378; 1887, 252; 1892, 195, 432; 1893, 306. (See 1884, 232.)

This chapter is repealed and revised. St. 1887, 252; 1892, 195, 432. (See 1884, 232; 1885, 148, 378; 1887, 250; 1893, 306.)

Provision for suppression of pleuro-pneumonia. St. 1887, 250.

Chapter 91. — Of Inland Fisheries and Kelp.

Fishing is regulated in various places: Barnstable county; St. 1884, 264; 1887, 120. (See 1885, 193; 1886, 202; 1887, 120.) Berkshire; 1888, 276; 1890, 193. Bourne; 1891, 164. (See 1889, 202.) Bristol; 1882, 189. Buzzard's bay; 1884, 214, § 2; 1886, 192; 1891, 327; 1893, 205, 255. (See 1887, 197; 1890, 229.) Dukes; 1884, 245; 1886, 234. (See 1882, 102.) Eastham; 1893, 77. Edgartown; 1882, 65; 1885, 247; 1886, 234; 1891, 52. (See 1882, 65; 1885, 247.) Essex; 1888, 126; 1893, 36. Franklin, Hampden and Hampshire; 1890, 193. Marion; 1892, 188; 1893, 255. Marshfield; 1889, 292; 1890, 336. Mashpee; 1884, 264; 1892, 196. Mattapoissett; 1884, 214; 1890, 229; 1892, 186. (See 1887, 197.) Merrimack river; 1882, 166; 1883, 31, 121; 1884, 317; 1893, 201. Nantucket; 1891, 128. (See 1887, 96; 1888, 238.) Norwell and Pembroke; 1889, 292; 1890, 336. Plum Island bay (tribu-

taries); 1887, 105; 1890, 30. Plymouth; 1884, 199; 1886, 163; 1889, 292; 1890, 336. (See 1883, 76.) Randolph; 1889, 78. Scituate; 1889, 292; 1890, 336. Wellfleet bay; 1891, 135. (See 1889, 179.) Westport; 1887, 193; 1891, 137.

Persons violating the fish laws may be arrested without a warrant in certain cases. St. 1893, 105.

Commissioners may forbid discharge of sawdust from a mill into a brook. St. 1890, 129.

The catching of pickerel is restricted. St. 1888, 331.

Squam pond, Gloucester, granted to United States fish commission for ten years. St. 1892, 43.

Provision made for protection of traps, trawls and seines. St. 1882, 53.

A bounty provided for destruction of seals. St. 1888, 287; 1892, 234.

SECT. 3. See St. 1893, 105.

SECTS. 10-24. Use of nets in ponds restricted. St. 1884, 318.

An act for the protection of great ponds. St. 1888, 318.

SECT. 12. The provisions for leasing great ponds are repealed. St. 1885, 109. (See 1889, 354.)

SECT. 16. Proceedings against defaulting lessees regulated. St. 1886, 248.

SECT. 17. See St. 1886, 248, § 2.

SECT. 25. Provision for flowing lands in Barnstable for fish culture. St. 1889, 383.

SECT. 26 not repealed by St. 1892, 252.

SECT. 31. Rights of riparian proprietors extended. St. 1890, 231.

SECTS. 36, 39. Use of nets and seines in Merrimack river regulated. St. 1882, 166; 1883, 31, 121; 1884, 317. (See 1882, 53.)

SECT. 41. Certain fisheries exempted. St. 1884, 199.

SECTS. 51-53. Close time for trout, land-locked salmon and lake trout established. St. 1884, 171; 1888, 276; 1890, 193; 1891, 138. (See 1893, 105.)

Sale of trout less than six inches in length forbidden. St. 1892, 252.

Furnishing trout and trout spawn by the Commonwealth regulated. St. 1893, 59.

SECT. 55. See St. 1888, 126.

SECT. 56. Close season for black bass changed. St. 1893, 80.

SECTS. 57, 59. Smelt fishery regulated in certain waters. St. 1887, 105; 1890, 30; 1891, 128.

SECTS. 68, 69. Cities and towns may regulate or prohibit taking of eels and shell-fish. St. 1889, 391. (See 1889, 64; 1892, 188; 1893, 255.)

SECT. 70. Rights acquired under this section not affected by St. 1886, 192; 1887, 197; 1890, 229; 1891, 327; 1893, 205.

SECTS. 73, 74 apply to owners of traps or contrivances for catching lobsters. St. 1889, 109.

SECT. 76. See St. 1882, 102; 1884, 245, 264; 1887, 120.

SECT. 81 *et seq.* Provisions for protection of lobsters. St. 1882, 98; 1884, 212; 1885, 256; 1887, 314; 1889, 109; 1890, 293; 1891, 122; 1893, 183. (See 1892, 403; 1893, 105.)

SECT. 84. See St. 1884, 212; 1887, 314.

SECT. 85. See St. 1887, 314, § 2.

SECTS. 93, 94. The planting and taking of oysters are regulated. St. 1884, 284; 1885, 220; 1886, 299. Taking oysters restricted in Westport; St. 1887, 119. In Yarmouth; St. 1892, 74.

The planting and digging of clams are regulated in certain places. St. 1888, 198, 202; 1889, 64.

SECT. 95. The taking of scallops regulated in certain places. St. 1887, 96; 1888, 223, 238; 1892, 188; 1893, 55, 172. (See 1885, 220, §§ 3, 4.)

SECTS. 97-101 extended to waters where there are no natural oyster beds. St. 1884, 284.

Use of dredge, tongs, etc., on private oyster beds forbidden without consent of owners. St. 1885, 220, § 5. (See 1893, 105.)

The granting of oyster licenses regulated. St. 1885, 220; 1886, 299. (See 1884, 284.)

SECT. 104. Payment of fines and forfeitures regulated. St. 1890, 390, § 3. (See 1887, 314, § 2.)

Chapter 92. — Of the Preservation of Certain Birds and Other Animals.

This chapter is repealed and revised. St. 1886, 276; 1887, 300; 1888, 292; 1891, 142, 254; 1892, 102; 1893, 49, 105, 189, 398. (See 1882, 199; 1883, 36, 169; 1884, 282, 308; 1886, 246; 1887, 211; 1888, 269; 1890, 237, 249.)

Persons found violating the game laws may be arrested without a warrant in certain cases. St. 1893, 105.

Provision made for protection of game and prevention of trespass on private land. St. 1884, 308; 1890, 403, 410. (See 1886, 276, § 4.)

Liberating a fox or raccoon in Dukes county is prohibited. Provision for a reward for their destruction. St. 1890, 237.

SECTS. 1, 2. The close time for grouse, woodcock, quail and ducks is regulated. Killing pinnated grouse at any time forbidden. St. 1891, 142; 1893, 189, 398. (See 1886, 276, § 1; 1888, 292; 1890, 249.) Quail are protected in Nantucket. St. 1893, 49.

SECT. 3. Shooting black duck in Plymouth bay and harbor regulated. St. 1888, 269. Shooting wild fowl from boats in certain waters of Nantucket is forbidden. St. 1886, 246.

Pursuit of wild fowl with a boat propelled by any other means than sails, oars or paddles is prohibited. St. 1892, 102. (See 1886, 246, 276.)

SECT. 6. Provision made for extermination of the English sparrow. St. 1890, 443. (See 1883, 36; 1886, 276, § 4.)

SECT. 7. Trapping or snaring of certain game and use of ferrets are made offences. St. 1886, 276, § 6; 1887, 300; 1891, 254. (See 1884, 308; 1893, 105.)

SECTS. 8-10. Further provision for protection of deer. St. 1882, 199; 1883, 169. (See 1893, 105.)

Chapter 94. — Of Timber afloat or cast on Shore.

Floating of timber in Connecticut river regulated. St. 1882, 274; 1883, 183.

Chapter 97.—Of Wrecks and Shipwrecked Goods.

This chapter is revised. St. 1887, 98. (See 1883, 260; 1885, 341.)

Provision made for removal of wrecks and obstructions in tide-waters. St. 1883, 260.

Chapter 98.—Of the Observance of the Lord's Day.

The provisions of this chapter are not a defence to actions for injuries to a traveller on the Lord's day. St. 1884, 37.

SECTS. 1, 2 amended and section 3 repealed. Attending games, etc., on Saturday night is not forbidden, and certain kinds of work and business are permitted on Sunday. St. 1887, 391; 1893, 41. (See 1886, 82.)

SECTS. 13, 15 amended. St. 1887, 391, § 3.

Chapter 99.—Of Gaming.

Provision made for recovery of payments, etc., made on wagering contracts in securities and commodities. St. 1890, 437. (See 1892, 138.)

Provision is made for the removal of certain obstructions in gambling resorts. St. 1887, 448; 1892, 388. (See 1883, 120.)

SECT. 8 amended, and provisions in regard to pool selling and registering bets extended. St. 1885, 342.

SECT. 10. The provisions against common gaming houses are revised and extended. St. 1887, 448, § 2; 1892, 388. (See 1883, 120; 1885, 66; 1890, 439, § 2; 1893, 226.)

Chapter 100.—Of Intoxicating Liquors.

The disposal or placing on file of liquor cases is restricted. St. 1885, 359.

A penalty is provided for employing a person under eighteen to serve liquor. St. 1890, 446.

Provision is made to prevent illegal sale of liquor in clubs. St. 1887, 206; 1890, 439; 1893, 226.

SECTS. 2, 3, 5, 8, 10. Sales by retail druggists and apothecaries regulated. St. 1887, 431; 1889, 270; 1893, 472, § 4. (See 1885, 313; 1887, 267.)

SECT. 5 *et seq.* The granting of licenses is further limited and regulated. St. 1882, 220, 222, 242, 259; 1883, 93; 1884, 158; 1885, 83, 90, 216, 323, § 2; 1887, 323, 392, 431; 1888, 139, 254, 262, 340, 341; 1889, 270, 344, 347, 361; 1890, 446; 1891, 361; 1892, 280. (See 1886, 323, § 2; 1893, 148.)

Transfer of locality of licenses provided for. St. 1889, 344.

SECT. 7. Objection may be made by owner of real estate within twenty-five feet of the premises. St. 1887, 323.

SECT. 9. Sales at night regulated. St. 1882, 242; 1885, 90.

Cl. 4 extended to persons supported by public charity. St. 1884, 158.

Cl. 5 revised. Selling liquor at a table in a bar-room prohibited. St. 1891, 369.

SECT. 10, cls. 1-5. Sale or delivery is forbidden on election days and certain holidays. St. 1885, 216; 1888, 254, 262; 1889, 347, 361. (See 1885, 90; 1889, 186.)

And may be forbidden in cases of riot or great public excitement. St. 1887, 365.

Cls. 1-3. No license of these classes shall be for a building within four hundred feet of a public school. St. 1882, 220.

Cls. 1-5. No license of the first five classes shall be granted to be exercised in a dwelling-house or a store having interior connection with a dwelling. St. 1888, 139.

Number of places to be licensed limited. St. 1888, 340.

Provision made for licenses in towns which are summer resorts. St. 1888, 340; 1892, 280.

No license except of the sixth class shall be granted to retail druggists and registered pharmacists. St. 1887, 431; 1889, 270. (See 1885, 313; 1887, 267; 1893, 227, 472.)

SECT. 11. The minimum fees are increased. St. 1888, 341.

SECT. 12. View of interior of the premises must not be obstructed. St. 1882, 259.

SECT. 13. Further requirements of sureties provided for. St. 1882, 259. The form of bond is changed. St. 1888, 283.

SECT. 16. License shall be void on conviction of violation of any provision of the liquor laws. St. 1887, 392.

SECT. 18 is extended to common victuallers. St. 1882, 242. The penalties are modified. St. 1889, 114, 268.

SECT. 24. Sales to a minor for his own or any other person's use are forbidden. St. 1889, 390.

Sale to children under sixteen of candy, or other article, enclosing a liquid containing more than one per cent. of alcohol is forbidden. St. 1891, 333.

SECT. 25 is extended to sales by druggists except on physicians' prescriptions. The mayor or selectmen may give the notice and sue for benefit of husband, wife, child, parent, or guardian. St. 1885, 282.

SECT. 26. Additional facts made *prima facie* evidence. St. 1887, 414.

SECT. 27 is revised and new definition made. St. 1888, 219.

SECT. 29. The inspection and analysis of liquors regulated. St. 1882, 221.

Salary of inspector and assayer fixed. St. 1887, 232. (See 1885, 224; 1886, 175.)

SECT. 30. A search warrant may be issued by a justice authorized to issue warrants in criminal cases. St. 1884, 191. (See 1884, 286.)

SECTS. 30, 33. Implements of sale, and furniture used or kept to be used for illegal keeping or sale of liquor, may be seized, and may be destroyed or sold as court may order. St. 1887, 406; 1888, 297.

SECT. 38. Provision made for disposition of forfeited liquors. St. 1887, 53; 1888, 297. (See 1887, 406.)

SECT. 40. Costs increased in certain cases. St. 1888, 277.

SECT. 45. Clubs may be licensed. St. 1887, 206. (See 1890, 439; 1893, 226.)

Chapter 101. — Of the Suppression of Common Nuisances.

SECT. 6. Provision for suppression of nuisances under this section. St. 1887, 380. (See 1887, 206.)

St. 1887, 414, applies to cases under this chapter. St. 1887, 414, § 3. Additional costs allowed in certain cases. St. 1888, 277.

Chapter 102. — Of Licenses and Municipal Regulations of Police.

Provision made for registration of pharmacists. St. 1885, 313; 1887, 267; 1893, 227, 472. Of dentists. St. 1887, 137. Of plumbers, and inspection of their work and materials. St. 1888, 105; 1893, 477. (See 1882, 252, § 2; 1892, 419, §§ 120, 138.)

And for licenses for infant boarding-houses. St. 1892, 318. (See 1882, 270, § 3; 1889, 309, 416; 1891, 194.) And for license to make, alter or repair clothing for sale in a private house. St. 1893, 246. (See 1891, 357; 1892, 296.) And for itinerant vendors of merchandise. St. 1890, 448.

SECT. 4. Time of grant and expiration of licenses changed. St. 1890, 73.

SECT. 5. See St. 1885, 316; 1893, 436.

SECTS. 12, 15. Liability of innholders further limited. St. 1885, 358.

SECT. 13 extended to boarding-houses. St. 1883, 187. Maximum fine decreased. St. 1884, 169. Disposition of unclaimed baggage, etc., regulated. St. 1893, 418.

SECT. 21. Words "who is a minor" added after "student." St. 1893, 292, § 1.

SECT. 23 is repealed. St. 1893, 292, § 2.

SECT. 33. Articles of personal apparel are not to be deemed perishable within the meaning of this section. St. 1884, 324.

SECTS. 33-37. The business of making loans on articles of personal use or ornament is regulated. St. 1890, 416. (See 1885, 252; 1888, 388; 1892, 428.)

SECT. 34. St. 1888, 388, does not apply to licensed pawnbrokers and does not affect this section. St. 1890, 416, § 6.

SECT. 35. Any district police officer may enter and examine pawnshops. St. 1888, 243.

SECT. 39. Provision for licenses for stables for more than four horses. St. 1890, 230, 395; 1891, 220. (See 1889, 89.)

No livery stable shall be within two hundred feet of a church, etc., without consent of the society worshipping therein. St. 1891, 220, § 2.

SECTS. 40-53 repealed so far as they relate to the city of Boston and other provisions made. St. 1892, 419.

SECT. 49. See St. 1893, 387.

SECT. 54. Cities and towns may regulate sale or use of toy pistols, toy cannon and articles in which explosives are used. St. 1882, 272.

Fire-arms or dangerous weapons may not be sold or furnished to persons under fifteen. St. 1884, 76.

SECT. 56. Provision made for notice to chief engineer, etc., of place of storage of gunpowder and explosive compounds. St. 1882, 269.

SECTS. 69-75. Regulations for preparation, storage, inspection and sale of kerosene and petroleum products. St. 1885, 98, 122. (See 1882, 250.)

SECTS. 80-84. The licensing of dogs is further regulated. St. 1885, 292; 1886, 259, § 2; 1887, 135, 307; 1890, 72; 1892, 50.

The keeping of blood-hounds and other like dogs is restricted. St. 1886, 340; 1892, 50.

Special licenses may be granted for breeding purposes. St. 1887, 307.

Bond required to account for receipts from dog licenses. St. 1888, 320.
Time for payment of such receipts changed. St. 1886, 259.

SECT. 83 amended. St. 1886, 101, § 4.

SECT. 86. Provision for recording licenses in cases of transfer. St. 1884, 185.

SECT. 98 *et seq.* The law as to damages to domestic animals, etc., by dogs is revised. St. 1889, 454. (See 1886, 259, § 1.)

SECTS. 115-127. Provision for licensing skating rinks. St. 1885, 196.
And picnic groves. St. 1885, 309. (See 1887, 445.)

Admission of children to places of amusement regulated. St. 1887, 446.

SECTS. 116-119. Municipal, district and police courts have jurisdiction under these sections. St. 1887, 293.

SECT. 124. Rate and manner of payment for these licenses changed. St. 1882, 258.

Hawking and peddling restricted, and gaming, horse racing and shows forbidden within one-half mile of licensed groves for picnics, etc. St. 1887, 445. (See 1885, 309.)

Chapter 103. — Of the District and Other Police.

The district police is divided into an inspection and a detective department. St. 1888, 113. (See 1888, 389, 426 ; 1891, 302, 357, § 6.)

Special officers appointed in an emergency must be residents of the State. St. 1892, 413.

Tenure of police officers regulated in certain cities. St. 1890, 319.

Police matrons required in certain cities. St. 1887, 234 ; 1888, 181.

Pensions are provided for in Boston. St. 1887, 178 ; 1892, 353.

SECT. 1. Number of district police increased. St. 1885, 131 ; 1887, 256 ; 1888, 389, 426, § 13 ; 1891, 302, 357, § 6 ; 1893, 387.

The requirement of an examination by a justice is repealed. St. 1885, 186. (See 1884, 190.)

SECT. 3. Clerks provided in chief's office and their salaries fixed. St. 1890, 137 ; 1892, 249.

SECT. 5. Salaries fixed. St. 1887, 127 ; 1892, 128.

SECT. 9. Two female inspectors provided for. St. 1891, 302.

SECT. 10. Duties of inspectors extended. St. 1887, 218 ; 1888, 149, § 3, 316, 399, 426 ; 1891, 357. (See 1882, 266, § 6 ; 1885, 326 ; 1887, 219, 226 ; 1888, 207 ; 1890, 438 ; 1891, 261 ; 1893, 387.)

An appeal is given from certain orders of inspectors. St. 1890, 438 ; 1891, 261.

SECT. 11. Reports of accidents provided for. St. 1886, 260, § 3 ; 1890, 83. Receipt thereof must be acknowledged. St. 1893, 111.

SECT. 15. Railroad police shall be sworn. Tenure of office regulated. St. 1883, 65. They are to be paid no witness fees in certain cases. St. 1890, 440, § 9.

Chapter 104. — Of the Inspection of Buildings.

An act to authorize the establishment of a building line on public ways. St. 1893, 462.

The height of buildings in cities is restricted. St. 1891, 355.

SECTS. 4-12. Provision made for inspection and proceedings under these sections. St. 1888, 149, 316, 399, 426; 1890, 438, 1891, 261. (See 1892, 419.)

SECT. 6. Provision for appointment of officers where there is no engineer. St. 1888, 399, § 4.

The erection and construction of buildings to be used for certain public purposes are regulated. St. 1888, 316, 426; 1893, 199. (See 1882, 208, 266; 1883, 251; 1884, 52, 223; 1885, 326; 1886, 173; 1887, 103, § 3, 173, 218; 1888, 207, 305; 1890, 179, 307; 1892, 419.)

Building law for Boston. St. 1892, 419; 1893, 170, 293, 297, 464. (See 1888, 316; 1893, 199.)

SECT. 8. Appeal given from orders of district police inspectors. St. 1890, 438; 1891, 261.

SECT. 12. Superior court given concurrent jurisdiction. St. 1891, 293.

SECTS. 13-24. In manufacturing establishments run by steam the engineer's room must, if required by inspector, have means to communicate with machinery rooms, and to control the power. St. 1886, 173; 1890, 179.

SECT. 14. Extended to mercantile and public buildings. St. 1882, 208.

The use of elevators is further regulated. St. 1882, 208; 1883, 173; 1890, 90.

SECTS. 15-20 are repealed, and the provisions for precautions against fire are revised and extended. St. 1882, 251, 266; 1884, 52, 223; 1888, 86, 426; 1890, 307. (See 1888, 207, 316, 399; 1892, 419; 1893, 199.)

SECT. 19. No inside or outside door of factory, etc., shall be fastened during working hours. St. 1884, 52.

SECT. 20. Theatres must have approved fire-resisting curtains. St. 1888, 426, § 1. (See 1888, 207.)

Public buildings and school-houses must have proper sanitary provisions and ventilation. St. 1888, 149. (See 1891, 261.)

Provision for securing proper sanitary precautions in factories and workshops. St. 1887, 103, § 3, 173, 218; 1888, 305.

SECT. 23 is revised. St. 1887, 276. (See 1882, 266, § 4; 1887, 219; 1888, 426.)

SECT. 24 is made to apply to sections 16 to 21. St. 1882, 266, § 5.

Chapter 105.—Of Certain Powers, Duties and Liabilities of Corporations.

Change of name of corporations subject to provisions of chapters 106-119, provided for. St. 1891, 360; 1892, 198, 201. (See 1891, 257.)

Assuming name of another corporation, or a similar name, is restricted. St. 1891, 257. (See 1888, 413, § 27, 429, § 2.)

Conditions prescribed for foreign corporations doing business here. St. 1884, 330; 1887, 214, §§ 77-88, 91, 92; 1888, 429, § 11; 1889, 356, 427; 1890, 199, 310, 321, 329; 1891, 275, 341, 1893, 303. (See 1882, 106; 1883, 74; 1886, 230; 1888, 321; 1890, 198, 304, 315, 321; 1891, 368, 382, 403; 1892, 129.)

Returns to be made by foreign corporations. St. 1882, 106; 1884, 330; 1886, 230; 1891, 341. (See 1890, 199.)

Issuing obligations, to be redeemed in numerical or arbitrary order of precedence, is prohibited. St. 1891, 382.

Provision made to enable foreign manufacturing corporations to purchase and hold real estate here. St. 1888, 321.

Provision for insolvency proceedings by or against certain foreign corporations. St. 1890, 321.

Safe deposit, loan and trust companies are subject to the duties, restrictions and liabilities set forth in this chapter. St. 1888, 413. (See 1887, 89; 1889, 342, 452; 1890, 315; 1892, 327; 1893, 114.)

SECTS. 14, 15 are repealed, but officers may be removed for previous violations of section 14. St. 1889, 222.

SECT. 21. Stockholder may require list of stockholders filed in office of secretary of the Commonwealth. St. 1889, 222, § 3.

SECT. 24. No record is necessary for the transfer of stock. St. 1884, 229.

SECT. 28. See St. 1884, 268, 330; 1888, 321; 1889, 393; 1890, 321.

SECT. 42. The time limit is stricken out. St. 1884, 203.

Chapter 106. — Of Manufacturing and Other Corporations.

Corporations created under this chapter may issue special stock, to be held by their employees only. St. 1886, 209.

Manufacturing corporations may support free beds in hospitals for use of their employees. St. 1889, 258.

SECTS. 3, 4, 51. Corporations governed by these sections may change their business under section 51. St. 1885, 310.

SECT. 6 *et seq.* Corporations to examine and guarantee titles of real estate are authorized and regulated. St. 1884, 180; 1887, 214, §§ 62, 63. And for the cremation of the dead. St. 1885, 265. (See 1886, 101, § 4; 1888, 306, § 2.)

SECT. 11 extended to hydrostatic and pneumatic pressure for mechanical power. St. 1891, 189; 1893, 397.

SECTS. 11, 52, 75 extended to gas for heating, cooking, chemical and mechanical purposes. St. 1885, 240.

SECT. 13 extended to include buildings for manufacturing and mechanical purposes. St. 1888, 116.

SECT. 17. Method established for change of name of corporations, subject to provisions of chapters 82, 106–119, and acts amendatory thereof. St. 1891, 360; 1892, 198, 201.

SECT. 27. Clause as to proxy or attorney casting more than fifty votes is repealed. St. 1888, 188. (See 1889, 222.)

SECTS. 51, 52. Gas companies may be authorized to furnish electric light and power. St. 1887, 385. (See 1885, 240.)

SECTS. 54, 55, 59, 81, 82, 84. All corporations, with certain exceptions, are subject to these sections and must make the certificates and returns therein required. St. 1887, 225.

Any stockholder may require a list of stockholders to be filed. St. 1889, 222, § 3.

The certificates are deemed to be recorded by the act of filing. They are to be preserved in book form. St. 1890, 199.

SECTS. 62-71 apply to mortgage loan and investment, and safe deposit, loan and trust companies. St. 1888, 387, § 11, 413, § 14.

SECT. 75 *et seq.* A board of gas and electric light commissioners is established, and the business of the companies is regulated. St. 1885, 240, 314; 1886, 250, 346; 1887, 382, 385; 1888, 350, 428; 1889, 169; 1890, 252; 1891, 351, 370; 1892, 67, 259, 263, 274; 1893, 454.

Chapter 107. — Of Swine Slaughtering Associations.

SECT. 2 is amended. St. 1886, 101, § 4.

Chapter 109. — Of Companies for the Transmission of Intelligence by Electricity.

This chapter, except sections 16 and 18, applies to lines for electric light. St. 1883, 221.

The erection and use of wires for telegraph, telephone and electric lighting are regulated. St. 1883, 221; 1884, 302, 306; 1885, 267, 380; 1887, 382, 385; 1889, 398, 434; 1890, 404; 1892, 274. (See 1891, 370; 1893, 274.)

SECT. 4 amended. Abutters may have damages for erection or alteration of telegraph, telephone and electric light and power lines along highways. St. 1884, 306. (See 1884, 302.)

SECT. 7. At least half must be paid in in cash. St. 1893, 274.

SECT. 10. Telephone companies must furnish service without discrimination. St. 1885, 267.

Telegraph companies are made liable to amount of \$100 for damages caused by negligence in transmitting messages. St. 1885, 380.

SECTS. 12, 15. Wires may not be put on another's property without his consent. St. 1884, 302. (See 1884, 306.)

Electric light or power companies are authorized to mortgage property to secure bonds. St. 1890, 371.

Chapter 112. — Of Railroad Corporations and Railroads.

The operation of railroads by electricity is authorized. St. 1892, 110.

Railroad corporations are required to issue mileage tickets which shall be accepted on all railroad lines in the State. St. 1892, 389.

The issuing of tickets free or at less than usual rates to members of the legislature, the executive, the judiciary and certain others is forbidden. St. 1892, 59.

Railroad companies may join relief societies of employees. St. 1886, 125. (See 1882, 244; 1887, 270, § 6; 1890, 181.)

The Meigs system of elevated railways may be used on certain conditions. St. 1890, 368.

Provision for compensation for joint occupancy of stations and grounds. St. 1893, 142.

SECTS. 10-12. Salaries fixed: Clerk; St. 1885, 119. Accountant; 1885, 164. Salaries are to be paid monthly. St. 1885, 224. Allowance made for books, maps and incidentals. St. 1890, 200.

SECT. 14. Powers of the commissioners increased. St. 1882, 265, § 1; 1883, 117; 1885, 110, 334; 1886, 120; 1888, 240; 1890, 382; 1891, 129, 204; 1892, 171, 228.

SECTS. 21, 26. Returns and statements regulated. St. 1889, 328; 1893, 131. (See 1889, 241.)

SECT. 34. The commissioners must certify that public convenience and necessity require the construction, before organization of a railroad company under the general law. St. 1882, 265, § 1.

SECT. 38 *et seq.* No steam railroad may be located within three miles of the State house except on certain conditions. St. 1882, 265, § 4. (See 1884, 279.)

Railroad corporations may change their locations to improve the alignment of their roads. St. 1887, 430. (See 1882, 149; 1884, 134.)

SECT. 44. The proceedings are void unless certificate of incorporation is issued within one year from the time when the route is fixed. St. 1882, 265, § 2.

SECT. 54. Clause prohibiting the casting of more than fifty votes by a proxy or attorney is repealed. St. 1888, 188. (See 1889, 222.)

SECT. 56. Delivery of written transfer sufficient. St. 1884, 229.

SECTS. 58, 59 are repealed. Increase of capital stock regulated. St. 1893, 315. (See 1886, 337, § 3.)

SECT. 62. The bonds may run fifty years. St. 1887, 191. (See 1883, 7.)

SECTS. 62-73. A purchaser under a valid foreclosure and his grantees and successors have the same powers and duties as the original corporation. St. 1886, 142.

SECTS. 63-70. Street railway companies may issue bonds, and these sections shall apply. St. 1889, 316; 1892, 192.

SECT. 81 *et seq.* Returns and statements regulated. St. 1889, 328; 1893, 131. (See 1889, 241.)

SECT. 82 is applied to street railway companies. St. 1892, 254.

SECT. 89. Time of notice to and filing of location by railroad corporations under St. 1878, 135, § 1, is changed. St. 1882, 149.

SECT. 91 is revised. Land may be taken outside of the location for one or more tracks, subject in some cases to certain conditions. St. 1884, 134. (See 1882, 149; 1887, 430.)

SECT. 115. The power to exempt from the duty to fence is transferred to the railroad commissioners. Proceedings to revoke exemptions regulated. St. 1882, 162.

SECT. 117 *et seq.* No right of way across any railroad track or location in use for railroad purposes shall be acquired by prescription. St. 1892, 275.

SECTS. 117-138. Wood which obstructs view at crossings may be cut. St. 1889, 371. These sections are not affected by St. 1891, 170.

Provision is made for the abolition of grade crossings. St. 1885, 194; 1887, 295; 1890, 428; 1891, 33, 123, 262; 1892, 312; 1893, 283, 424. (See 1882, 135; 1891, 170, § 5; 1892, 178, 228.)

Railroad companies must maintain crossings to give access to lands cut off by their road-beds. St. 1892, 171.

SECTS. 127, 169. The commissioners may forbid or regulate the occupation of street crossings. St. 1885, 110; 1890, 382; 1892, 228.

SECTS. 128, 148, 160. Provision is made for examination of railroad bridges. St. 1887, 334.

SECTS. 129-132 amended. St. 1885, 194; 1887, 295. (See 1882, 135.)

SECTS. 129-134. P. S., ch. 51, applies to alterations of ways at railroad crossings. St. 1884, 280.

SECT. 138. Appeal provided from decision of the county commissioners. St. 1882, 135. (See 1885, 194, § 6; 1890, 428, § 12; 1892, 171.)

SECT. 139. Clause forbidding branches within eight miles of the State house is stricken out. St. 1884, 279. (See 1882, 265, § 4.)

SECT. 148. Railroad drawbridges over Charles river regulated. St. 1889, 246; 1890, 118. (See 1887, 334.)

SECT. 159. Frogs, switches and guard rails must be blocked to the approval of the railroad commissioners. St. 1886, 120.

SECT. 160. See St. 1887, 334.

SECT. 161. Provision made for interlocking or automatic signals at railroad crossings. St. 1885, 85.

SECT. 163 *et seq.* The commissioners may forbid or regulate locomotive whistles at highway crossings. St. 1885, 334. (See 1890, 173.) And may recommend changes in making up freight trains and sounding whistles. St. 1891, 204. (See 1891, 129.)

At least three separate and distinct blasts of the whistle are required at crossings. St. 1890, 173.

SECTS. 164-166. The railroad commissioners may require gates, flags or electric signals at highway crossings. St. 1883, 117; 1888, 240. And signals at crossings above grade. St. 1891, 129. (See 1892, 228.)

SECT. 170. Locomotive boilers must be tested. St. 1882, 73.

Safety couplers are required on freight cars, and they must be examined and tested every two years. St. 1884, 222; 1886, 242.

SECT. 171. Additional tools and safeguards against fire required. St. 1882, 54. (See 1887, 362; 1891, 249.)

SECT. 172. The heating of passenger cars is regulated. St. 1887, 362; 1891, 249.

SECT. 179. The requirement of an examination for color blindness every two years is repealed. St. 1883, 125.

SECT. 180. Interchangeable mileage tickets are required. St. 1892, 389. Extra fare paid on trains regulated. St. 1883, 32.

SECTS. 181-183. Railroad corporations shall not require women or children to ride in smoking cars. St. 1888, 176.

SECT. 188. Unreasonable preferences in freight charges are forbidden. St. 1882, 225. (See 1882, 94.)

SECTS. 192-194 are revised. St. 1893, 210.

SECT. 204. The maximum penalty for placing obstructions on railroad tracks is increased. St. 1890, 332.

SECT. 205. The unlawful use, removal or tampering with the tools, etc., required to be carried on passenger trains is made an offence. St. 1882, 54, § 2.

SECT. 207. Word "electric" stricken out. St. 1884, 5.

SECT. 212. Employees are included under this section. St. 1883, 243.

They may sue for damages. St. 1887, 270; 1888, 155; 1892, 260; 1893, 359.

An action of tort may be brought against street railway corporations for loss of life. St. 1886, 140.

SECT. 216. See St. 1893, 142.

SECTS. 223, 224. When their consent is required the commissioners may regulate tracks at crossings by a railway for private use. St. 1890, 382.

Chapter 113. — Of Street Railway Companies.

Provision for rapid transit in Boston and vicinity. St. 1893, 481.

This chapter applies to companies using the cable system. St. 1886, 337, § 4.

Liability for injuries regulated. St. 1886, 140; 1887, 270; 1888, 155; 1892, 260.

Hours of labor regulated for certain employees. St. 1893, 386.

Street railway companies may issue mortgage bonds in certain cases and Pub. St. ch. 112, §§ 63-70, apply. St. 1889, 316; 1892, 192.

They may join relief societies of employees. St. 1890, 181. (See 1882, 244; 1886, 125; 1887, 270, § 6.)

SECT. 12. Clause as to proxy, etc., casting more than fifty votes repealed. St. 1889, 210. (See 1888, 188; 1889, 222.)

SECTS. 13-18. Further provisions made as to increase and reduction of capital stock. St. 1886, 337, § 3; 1887, 366; 1890, 326; 1893, 315.

May increase stock to adopt cable system. St. 1886, 337.

SECT. 15. See St. 1887, 366.

SECT. 16 repealed. St. 1893, 315.

SECT. 19 *et seq.* The Meigs system may be used on certain conditions. St. 1890, 368.

SECT. 27 *et seq.* Children under ten shall not be permitted to enter cars to sell newspapers, etc. St. 1889, 229.

St. 1890, 364, requiring fenders was repealed by St. 1891, 366.

SECT. 39. Cable system may be used. St. 1886, 337. (See 1887, 413, § 4; 1888, 278.) Electric system authorized in Boston. St. 1887, 413, § 4; 1890, 454, § 12.

SECTS. 40, 41. The railroad commissioners may regulate crossings by steam railroads. St. 1885, 110; 1892, 228. (See 1890, 382.)

SECT. 43. Railroad commissioners may require additional accommodations for the travelling public. St. 1891, 216.

SECT. 46. See 1887, 413; 1890, 454.

SECT. 48 *et seq.* One company may not use tracks of another company unless authorized by the railroad commissioners. St. 1888, 278. (See 1886, 337, § 2; 1887, 413.)

SECT. 58. Companies are required to contribute to expense of printing and binding their annual returns. St. 1892, 254.

SECT. 63. Superior court given concurrent jurisdiction. St. 1891, 293.

Chapter 114. — Of Agricultural and Horticultural Societies.

Corporations organized under this chapter may be authorized to improve public grounds. St. 1885, 157.

Provision is made for a bounty for sugar from beets or sorghum cane. St. 1883, 189.

"Arbor day" established. Res 1886, 32.

SECT. 1. The restriction is modified. St. 1890, 297.

An agricultural society receiving a bounty can sell or mortgage its real estate only on certain conditions. St. 1890, 274.

SECT. 2. Time of filing certificate changed. The board may require other returns. St. 1891, 124.

SECT. 20 *et seq.* Entering or driving a horse that is disguised or different from the one purported to be entered, etc., to compete for a purse or premium is punishable. St. 1892, 167.

Provision made for assignment of police officers at exhibitions. St. 1892, 180.

Registration of pedigrees of horses used for breeding purposes provided for. St. 1890, 334. (See 1887, 143.)

Chapter 115. — Of Associations for Charitable, Educational and Other Purposes.

Provision made for incorporation of labor and trade organizations. St. 1888, 134. (See 1892, 330.)

And for formation of relief societies of railroad, steamboat and street railway employees, in which the companies may join. Their funds are not attachable. St. 1882, 244; 1886, 125; 1890, 181. (See 1887, 270, § 6.)

The consolidation of masonic mutual relief associations is authorized. St. 1887, 140.

The incorporation of clubs is regulated. St. 1890, 439; 1893, 226. (See 1887, 206.)

No corporation organized for medical purposes under this chapter shall confer degrees. St. 1883, 268. (See 1893, 355.)

The provisions of this chapter apply to churches incorporated under St. 1887, 404.

SECT. 3. Increase of stock and par value of shares regulated. St. 1888, 177; 1890, 191. (See 1888, 429.)

SECTS. 3-5. Corporations may be formed for life and casualty insurance on the assessment plan. St. 1885, 183, § 2. (See 1887, 214, §§ 2, 3; 1888, 429.)

SECTS. 8-12 repealed, and law as to fraternal beneficiary organizations revised. St. 1888, 429; 1890, 341, 400; 1891, 163; 1892, 40, 435; 1893, 47, 321. (See 1882, 195; 1885, 183; 1887, 140, 214; 1890, 421; 1891, 233, 360; 1892, 201.)

Endowment business terminated. St. 1893, 418.

Chapter 116. — Of Savings Banks and Institutions for Savings.

Custody of books and papers of insolvent institutions provided for. St. 1882, 77; 1884, 72; 1883, 258, § 2.

SECTS. 1, 2. The board increased and salaries fixed. St. 1889, 321. (See 1886, 252.)

Salaries of clerks fixed. St. 1889, 77; 1892, 248. (See 1882, 148; 1886, 252.)

SECT. 3. Provision made for simultaneous examinations when a savings bank and a national bank are connected. St. 1888, 51.

Duties of commissioners extended. St. 1888, 51, 170; 1891, 403.

SECT. 11 *et seq.* Carrying on business under the name of a savings bank, and advertising, soliciting and receiving deposits as such, are restricted under penalty. St. 1889, 452; 1893, 230.

The place of business is regulated. St. 1884, 253; 1889, 91. Provision for repayment of tax on real estate used for banking purposes. St. 1890, 406; 1891, 171. (See St. 1893, 174.)

SECTS. 13, 21, 23. Names of board of investment must be published twice a year. St. 1882, 50.

SECTS. 14 and 15 are revised and extended. St. 1886, 93; 1889, 180; 1893, 254.

SECT. 16. Notice of meeting must be both published and mailed. St. 1884, 150.

SECT. 17 amended. St. 1888, 120.

SECTS. 17, 18. Provision for forfeiture of membership for failure to attend meetings and perform duties. St. 1888, 96, 120; 1890, 222.

SECT. 18 amended. St. 1888, 96.

SECT. 19. Limitations of amount to be deposited and draw interest do not apply to deposits by order of a probate court under ch. 144, § 16. St. 1889, 86, 449. (See 1885, 376; 1889, 185; 1890, 408; 1893, 379.)

Savings banks must yearly make an accurate trial balance of depositors' ledgers. St. 1889, 88.

SECT. 20. The limit of authorized investments is extended. St. 1883, 134; 1885, 111, 348; 1886, 69, 176; 1887, 113, 196; 1888, 53, 90, 213, 250, § 2, 301, § 6; 1889, 305; 1890, 168, 298, 369, 394. (See 1882, 231; 1883, 124, 127; 1884, 168; 1887, 423.)

CL. 2. "Net indebtedness" is defined. St. 1883, 127.

CL. 3 is revised and extended. St. 1887, 196; 1888, 51, 213; 1889, 305.

CL. 4 is revised. St. 1890, 168. (See 1882, 224; 1883, 202; 1886, 95.)

CL. 6. The amount to be loaned on personal security and time of loan are limited. St. 1884, 168; 1886, 69. (See 1884, 56.)

CL. 7. "Five" substituted for "ten" per cent. St. 1893, 174. (See 1884, 253; 1889, 91.)

CL. 8. Time for sale of real estate held by foreclosure extended. St. 1882, 200; 1883, 52, 248; 1886, 77.

SECT. 21. President and treasurer added. St. 1889, 161.

SECT. 27. Payment of extra dividends made permissive instead of obligatory. St. 1888, 355.

SECT. 29. Provision for payment of orders after death of depositor. St. 1885, 210, § 2.

SECT. 34. Deposit books must be verified every third year. St. 1888, 40. An accurate trial balance of depositors' ledgers must be made yearly. St. 1889, 88.

SECTS. 40, 41. A return must be made to commissioners, and published, of all deposits unclaimed for twenty years. St. 1887, 319.

The form and manner of verification of the reports are changed. St. 1888, 127; 1890, 44.

SECT. 44 is repealed, and new provision made for payment of unclaimed dividends. St. 1883, 258; 1886, 300. (See 1882, 77; 1890, 330.)

Chapter 117. — Of Co-operative Savings Fund and Loan Associations.

The title of this chapter and name of associations changed to "Co-operative Banks." St. 1883, 98.

The business of co-operative banking is regulated. St. 1882, 251; 1883, 98; 1885, 121; 1887, 216; 1889, 159, 452; 1890, 63, 243, 310; 1891, 403.

The business may not be carried on here in name of a co-operative bank unless incorporated here. St. 1889, 452. (See 1890, 310; 1891, 403.)

The capital stock, corporate franchise and personal estate of co-operative banks are exempted from taxation. St. 1890, 63.

SECT. 1. The consent of the savings bank commissioners is required for the formation of co-operative banks. St. 1890, 243.

SECT. 5. Co-operative banks must provide a guaranty fund. St. 1885, 121, § 2.

The limit of capital refers to the capital paid in on shares. St. 1887, 216, § 1.

SECT. 6. One person may be secretary and treasurer. St. 1885, 121, § 1.

SECT. 8. The mode of retiring shares is determined and their value. St. 1887, 216, § 2.

SECT. 9. Before payment of matured shares, arrears and fines are to be deducted. St. 1882, 251, § 1. Interest is allowed for all full months from last adjustment. St. 1887, 216, § 5.

SECT. 10. Interest may be bid instead of a premium. St. 1882, 251, § 2.

Directors may loan money on shares of the corporation. St. 1890, 78.

SECT. 13. The real estate must be in the Commonwealth. St. 1889, 159, § 1.

SECT. 14. Provision for partial payments. St. 1887, 216, § 4.

SECT. 16 is revised. St. 1882, 251, § 1; 1885, 121, § 4.

SECT. 18. See 1885, 121, § 2.

SECT. 20. See 1891, 403.

Chapter 118. — Of Banks and Banking.

Foreign banking corporations doing business here shall indicate on their signs, letter heads, etc., the name of the State or country in which they are chartered. St. 1890, 329.

The incorporation and conduct of safe deposit, loan and trust companies are regulated. St. 1887, 89; 1888, 413; 1889, 342, 452; 1890, 315, 329; 1892, 327; 1893, 114.

And of mortgage loan and investment companies. St. 1888, 387; 1889, 427, 452; 1890, 329; 1891, 233, 275; 1893, 303.

A commissioner of foreign mortgage corporations is established. St. 1889, 427; 1891, 275; 1893, 303.

Chapter 119. — Of Insurance Companies and Insurance.

This chapter is repealed and the insurance laws revised and codified. St. 1887, 214, 283; 1888, 84, 141, 151, 154, 165, 199, 429; 1889, 356,

378, 451; 1890, 26, 197, 304, 341, 400, 421; 1891, 163, 195, 233, 289, 291, 368; 1892, 40, 47, 129, 372, 435; 1893, 54, 117, 224, 434. (See 1882, 195; 1883, 33, 107, 126, 235, 258; 1884, 55, 58, 119, 120, 177, 178, 180, 217, 235, 296; 1885, 183, 241, 300, 308, 354; 1886, 187, 222, 300; 1890, 321, 330.)

Domestic insurance companies may reinsure in foreign companies on certain conditions. St. 1891, 368; 1892, 47. (See 1887, 214, § 20; 1888, 429, § 10.)

Title insurance companies authorized and regulated. St. 1884, 180; 1887, 214, §§ 62-64. They may guarantee titles to personal property. St. 1889, 378.

Accident insurance companies may insure the liability of employers for injuries received by employees. St. 1889, 356. And life insurance companies may insure against accidents. St. 1891, 195. (See 1887, 214, § 80.)

Disposal of certain unclaimed funds of insolvent companies regulated. St. 1890, 330. (See 1883, 258; 1886, 300.)

SECTS. 2, 4. Salaries fixed: Commissioners; St. 1890, 247. (See 1888, 84.) Clerks; St. 1888, 84. (See 1886, 187; 1887, 214, § 5.)

SECTS. 21, 38, 167. Moneys to be paid by life or casualty insurance companies doing business on the assessment plan are made not attachable. St. 1890, 421, § 23. (See 1885, 183, § 11; 1887, 214, § 73; 1892, 372.)

SECT. 69. Payment of dividends regulated. St. 1887, 214, § 38; 1891, 289.

SECT. 139. Selection of referees under standard policy regulated. St. 1888, 151; 1891, 291.

SECT. 145. Life and casualty insurance on the assessment plan is regulated. St. 1890, 421; 1892, 435. (See 1885, 183.)

The organization and business of fraternal beneficiary associations are regulated. St. 1888, 429; 1890, 341, 400; 1891, 163, 233; 1892, 40, 435; 1893, 47, 321. (See 1882, 195; 1885, 183; 1887, 140, 214; 1890, 421, § 1; 1891, 360; 1892, 201.)

Endowment business terminated. St. 1893, 418.

SECTS. 156, 215, 218. Expense of care and custody of trust deposits is to be assessed on corporations, etc., making deposits. St. 1891, 233, § 2. (See 1883, 107; 1884, 119; 1887, 214, § 94; 1888, 429, §§ 8, 9; 1890, 341.)

The deposits are restricted. St. 1893, 224.

SECT. 167. See St. 1885, 183, § 11; 1887, 214, § 73; 1892, 372.

SECT. 173 repealed. St. 1883, 258. (See 1886, 300.)

SECT. 183 *et seq.* Provision to prevent fraud in obtaining insurance. St. 1885, 183, § 12; 1887, 214, § 90; 1888, 429, § 16; 1890, 421, § 24; 1892, 372; 1893, 321.

SECTS. 196-202. Admission of foreign companies regulated. St. 1887, 214, §§ 77-82, 91, 92; 1888, 429, §§ 11-13; 1889, 356; 1890, 304, 341; 1891, 195; 1892, 40. (See 1884, 120, 178; 1891, 368.)

Chapter 120. — Of the Alienation of Real Estate.

SECT. 1 *et seq.* The recording of an instrument affecting title is made conclusive evidence of delivery. St. 1892, 256.

A conveyance otherwise valid shall be effectual notwithstanding disseizin or adverse possession. St. 1891, 354.

SECT. 4. Office copies of records may be recorded in another county or district where part of the land lies. St. 1889, 448.

A mortgage is declared invalid against an assignee in insolvency in certain cases. St. 1888, 393.

SECT. 15. Provision for construction of words importing a want or failure of issue. St. 1888, 273.

Chapter 122. — Of Easements.

No right of way across a railroad location in use for railroad purposes shall be acquired by prescription. St. 1892, 275.

Chapter 124. — Of the Rights of a Husband in the Real Estate of his Deceased Wife, and the Rights of a Wife in that of her Deceased Husband.

SECT. 1. Words "if his wife does not otherwise provide by will," in sixth and seventh lines, and word "intestate," in eighth line, stricken out. St. 1885, 255; 1887, 290.

SECT. 17. The claim may be determined in the probate court. St. 1889, 234.

Chapter 125. — Of the Descent of Real Estate.

SECT. 4. If the mother also is dead, the estate descends to the persons entitled by inheritance through her. St. 1882, 132.

Chapter 126. — General Provisions concerning Real Estate.

Conditions or restrictions affecting title or use of real estate, unlimited as to time, shall be construed as limited to thirty years, except in certain cases. St. 1887, 418.

Provision made for proceedings to determine validity, nature and extent of certain conditions, restrictions, etc., on real estate. St. 1889, 442; 1890, 427. (See 1882, 237; 1885, 283.)

Construction placed on words importing want or failure of issue. St. 1888, 273.

SECTS. 5, 6. A conveyance or devise to a husband and wife creates a tenancy in common unless otherwise expressed. St. 1885, 237.

SECT. 13 extended to judgments and decrees. St. 1892, 289.

Chapter 127. — Of Wills.

SECT. 8. Marriage shall act as a revocation, except in certain cases. St. 1892, 118.

SECT. 34 repealed so far as it applies to probate courts. St. 1891, 415.

Chapter 129. — Of the Probate of Wills and the Appointment of Executors.

The probate of a will is made conclusive in certain cases after two years. St. 1889, 435.

SECTS. 1, 2. Petitions for probate must be sworn to by petitioner. St. 1891, 414.

SECT. 5. See St. 1893, 379, as to Suffolk county.

Chapter 130.—Of the Appointment of Administrators.

SECT. 1. Petitions for letters testamentary must be sworn to by petitioner. St. 1891, 414.

SECT. 2. Provision made for granting administration without notice in certain cases. St. 1885, 260. And to any suitable person. St. 1890, 265.

A decree of intestacy is made conclusive in certain cases after two years. St. 1889, 435.

SECTS. 2, 8. Administrators may be allowed to give bond without sureties in certain cases. Failure to give a new bond when required shall be considered a resignation. St. 1885, 274. See 1893, 379.

SECT. 4. Administration may be granted for cause upon particular property more than twenty years after the person's death. St. 1889, 192. (See 1885, 242.)

SECTS. 10-17. Special administrator may be allowed to pay expenses of executor in proving the will. St. 1884, 291. (See 1884, 131.)

Chapter 131.—Of Public Administrators.

SECT. 18. Time for presenting claims under this section limited. St. 1883, 264.

Chapter 132.—General Provisions relative to Executors and Administrators.

Probate courts given jurisdiction in equity in administration of estates of deceased persons. Proceedings regulated. St. 1891, 415.

SECTS. 1-4. Provisions as to the proof of notice are revised. St. 1888, 148, 380; 1889, 315. (See 1888, 420.)

SECTS. 8, 13. No foreign executor or administrator shall receive his letter until the appointment of resident agent is properly made. St. 1893, 118. (See 1890, 420.)

Chapter 134.—Of Sales and Mortgages of Real Estate by Executors and Administrators.

Executors and administrators may be licensed to sell at private sale. St. 1886, 137.

Real estate appraised at \$1,500 or less may be sold for purposes of distribution. St. 1890, 266.

SECT. 13. Change in method of proof of notice. St. 1888, 148, 380; 1889, 315. (See 1888, 420.)

Chapter 135.—Of Allowances to Widows and Children and of the Distribution of the Estates of Intestates.

Provision made for a State tax of five per cent. on collateral legacies and successions, and on grants to take effect after death of grantor in estates exceeding \$10,000. St. 1891, 425; 1892, 379; 1893, 432.

SECT. 3, cl. 3. Husband is entitled to one-half of the personal estate. St. 1882, 141.

CL. 5. If intestate leaves a widow and no kindred, the widow is entitled to the whole of the residue. St. 1885, 276.

Chapter 136. — Of the Payment of Debts, Legacies and Distributive Shares.

Provision is made for a State tax on certain collateral legacies and successions and on certain grants, to take effect after death of grantor. St. 1891, 425; 1892, 379; 1893, 432.

SECT. 19 *et seq.* Where a legatee is a minor without a guardian, court may order the legacy to be deposited in a savings bank under P. S., ch. 114, § 16. St. 1889, 185.

Real estate appraised at \$1,500 or less may be sold for distribution. St. 1890, 266.

Chapter 139. — Of Guardianships.

SECTS. 1-3. Certain corporations are authorized to be guardians of minors. St. 1885, 362; 1890, 117.

SECTS. 2-4. The probate court may require parents to contribute to support of their minor children under guardianship. St. 1891, 358.

SECT. 16 is extended to married women who are minors. St. 1890, 259.

SECT. 29 *et seq.* Guardians residing out of the State must appoint an agent here. P. S., 132, §§ 11-13, apply to them. St. 1889, 462; 1893, 118. (See 1890, 420.)

Chapter 140. — Of Sales and Mortgages of Real Estate by Guardians.

SECT. 18 is extended to any interest in real estate. St. 1885, 258.

Chapter 141. — Of Trusts.

Probate courts have jurisdiction in equity over trusts created by will. St. 1891, 415.

SECTS. 4-11. Foreign trustees must have an agent here. The provisions of P. S., ch. 132, §§ 11-13, apply. St. 1889, 462; 1893, 118. (See 1890, 420.)

SECT. 16 is revised. Trustee may be exempted from furnishing surety on request of parties interested. St. 1891, 339.

SECT. 23 is extended to other improvements. St. 1889, 66.

SECT. 27 is extended to trusts created under any written instrument. St. 1892, 116.

Chapter 142. — General Provisions relative to Sales, Mortgages, Releases, Compromises, etc., by Executors, Administrators, Guardians and Trustees.

A foreign guardian or trustee must have an agent here. P. S., ch. 132, §§ 11-13, apply. St. 1889, 462; 1893, 118. (See 1890, 420.)

SECT. 12. See St. 1893, 379.

SECT. 14 is extended to administrators with the will annexed. Those

claiming as legatees or devisees whose interests are affected are to be made parties. St. 1889, 266.

SECT. 23 is extended. Defective acts or proceedings may be ratified or confirmed. St. 1888, 420.

Provision in case of failure to prove notice of sale. St. 1889, 315. (See 1888, 148.)

Chapter 143. — General Provisions relative to Bonds of Executors, Administrators, Guardians and Trustees.

Foreign fidelity insurance companies may be sureties, and companies may be organized here to act as sureties. St. 1887, 214, §§ 29, 61. (See 1884, 296; 1885, 241; 1886, 233.)

See St. 1893, 379.

SECT. 23. See St. 1893, 396, § 14.

Chapter 144. — Of the Accounts and Settlements of Executors, Administrators, Guardians and Trustees.

SECT. 8. Money paid with the approval of the judge for procuring surety on the bond may be allowed. St. 1886, 233. (See 1887, 214, §§ 29, 61.)

Bequests to executors in excess of a reasonable compensation are liable to the State legacy tax. St. 1891, 425, § 3.

SECTS. 13, 14 are extended to executors and administrators. St. 1889, 466.

SECT. 16. Legacies to persons whose residence is unknown, and to minors without guardians, may be deposited. St. 1885, 376; 1889, 185. (See 1893, 379.)

The amount which may be deposited and draw interest is not limited. St. 1889, 86, 449.

Provision is made for final distribution of deposits by the probate court in certain cases. St. 1889, 449, § 2; 1890, 408.

Chapter 145. — Of Marriage.

SECT. 11 is extended to residence here for five years unless libellant removed here for the purpose. St. 1886, 36.

SECTS. 11, 15. The superior court has exclusive original jurisdiction under these sections. St. 1887, 332.

SECTS. 22, 27. Licensed Israelitish rabbis may solemnize marriages. St. 1893, 461.

SECT. 24. The returns shall be preserved and arranged for reference. St. 1887, 202, § 3.

Change made in form of record and returns. St. 1892, 300.

Chapter 146. — Of Divorce.

Provision is made for returns of statistics of divorce. St. 1882, 194.

The superior court has exclusive original jurisdiction of all cases of divorce and nullity and validity of marriages. St. 1887, 332.

SECT. 1. Divorce may be decreed for gross and confirmed drunkenness caused by the use of opium or other drugs. St. 1889, 447. And for any

legal cause notwithstanding an absence which would raise a presumption of death. St. 1884, 219.

SECT. 10. When adultery is charged the alleged *particeps criminis* may contest. St. 1890, 370.

SECT. 19. All decrees shall become absolute after six months unless court has otherwise ordered. St. 1893, 280. (See 1882, 223 ; 1893, 194.)

SECTS. 42-44. Procuring a fraudulent divorce ; advertising, by one not a member of the bar, the business of procuring divorces ; and unlawfully issuing certificates of divorce, are made offences. St. 1886, 342 ; 1887, 320 ; 1891, 59.

Chapter 147. — Of Certain Rights and Liabilities of Husband and Wife.

A wife has right of interment in any tomb or lot which her husband owned during coverture. St. 1883, 262. (See 1885, 302 ; 1892, 165.)

SECT. 1. A wife cannot, without his written consent, destroy or impair her husband's life estate in one-half her lands where there is no issue. St. 1889, 204. (See 1884, 301 ; 1885, 255 ; 1887, 290.)

SECT. 3 is revised. Nothing contained in the preceding section shall authorize such transfer. St. 1884, 132.

SECT. 6 extended to the case where there is no issue, and exception is made if the wife is living apart for cause approved by the court. St. 1885, 255 ; 1887, 290. (See 1884, 301.)

SECT. 16 *et seq.* Provision is made for release of the courtesy by the guardian of an insane husband. St. 1886, 245.

SECT. 20. The notice shall be such as the court may order. St. 1890, 105.

SECTS. 31-33, 36. The probate court has exclusive original jurisdiction under these sections and the appeal is to the superior court. St. 1887, 332, §§ 2, 3. (See 1882, 270 ; 1884, 210 ; 1885, 176 ; 1888, 290 ; 1893, 262.)

SECT. 36. Probate courts may require parents to contribute to support of children under guardianship. St. 1891, 358.

Chapter 148. — Of the Adoption of Children and the Change of Names.

Adoption of pauper and illegitimate children regulated. St. 1891, 194 ; 1892, 318. (See 1882, 270 ; 1889, 309, 416.)

SECT. 3 is amended. St. 1886, 101, § 4.

SECTS. 12-14. A list of names changed, ordered published. St. 1884, 249 ; 1893, 191.

Chapter 150. — Of the Supreme Judicial Court.

SECT. 5. See St. 1892, 435.

Exclusive original jurisdiction is given to the superior court in cases of divorce and nullity of marriages. St. 1887, 332, § 1. Of capital crimes. St. 1891, 379. And of petitions for partition and writs of entry. St. 1892, 169.

Appeals on petitions under sections 31-33 and 36 of chapter 147 are to superior court. St. 1887, 334, § 3. (See 1888, 290.)

SECT. 7. Questions for the full court may be heard in any county. St. 1892, 127.

SECT. 14. Further provisions in cases of frivolous appeals and exceptions. St. 1883, 223, § 15.

SECT. 16. When appeal or exceptions are not entered, the court below may affirm the judgment. St. 1888, 94. (See 1882, 239.)

SECTS. 18-20, 24, 26-29 repealed. St. 1891, 379. (See St. 1893, 394.)

SECTS. 21, 22, 23 and 25 are repealed. St. 1886, 339. (See 1891, 379.)

SECT. 30 *et seq.* Terms are abolished, return days changed and practice further regulated. St. 1885, 384; 1886, 223; 1887, 383; 1890, 374; 1892, 127, 169; 1893, 61. (See 1883, 223; 1884, 316.)

The law term for Worcester is changed. St. 1885, 48. And for Bristol, Dukes and Nantucket. St. 1891, 287.

SECT. 39. Salaries fixed and allowance made for travelling expenses. St. 1892, 104. (See 1888, 274, § 1; 1892, 59; 1893, 327.)

Pensions are provided for. St. 1885, 162. And clerical assistance. St. 1891, 89. (See 1893, 327.)

Chapter 151. — Of the Supreme Judicial Court Equity Jurisdiction.

The equity jurisdiction is extended. St. 1884, 285; 1887, 380; 1891, 383; 1892, 435.

SECT. 2, cl. 11. See St. 1884, 285; 1887, 214, § 73.

SECTS. 5-7. Practice regulated and forms established. St. 1883, 223; 1884, 316; 1885, 384; 1887, 383; 1892, 61. (See 1892, 289, 440.)

SECT. 23. See St. 1885, 384, § 3; 1886, 223; 1892, 127.

SECT. 27. See St. 1883, 223, § 16.

Chapter 152. — Of the Superior Court.

SECT. 1. The number of justices is increased. St. 1892, 271. (See 1886, 31; 1888, 58.)

SECT. 2. Provision for sessions by three justices in capital cases. St. 1891, 379. And without a jury in certain actions at law. St. 1891, 227.

SECTS. 3-6. Jurisdiction is given in equity and practice regulated. St. 1883, 223; 1884, 304, 316; 1885, 384; 1887, 332, 380, 383; 1890, 154, 374; 1891, 227, 362, 383; 1892, 435, 440; 1893, 61. (See 1882, 239; 1887, 246; 1890, 398.)

Separate equity docket required in Middlesex and Suffolk. St. 1892, 440.

Exclusive original jurisdiction given in causes of divorce and nullity of marriage. St. 1887, 332, § 1. And of capital crimes. St. 1891, 379. (See St. 1893, 324, 365, 394.) And of petitions for partition and writs of entry. St. 1892, 169.

Jurisdiction is given of certain appeals from the probate courts. St. 1887, 332, § 3. (See 1888, 290.) And of claims against the Commonwealth. St. 1887, 246.

SECTS. 7, 8. The right to remove actions and petitions for partition under these sections is taken away. St. 1892, 169. (See 1885, 384, § 14.)

SECT. 11 repealed. St. 1892, 105.

SECT. 17. Changes in sessions: Barnstable; St. 1891, 175. Bristol; 1888, 314; 1891, 287, § 2. Dukes; 1889, 308. Essex; 1885, 191; 1889,

461. Franklin; 1889, 327. Hampden; 1885, 27. Middlesex; 1892, 391. Norfolk; 1889, 287.

SECT. 18. Changes in adjourned sessions: Essex; St. 1889, 461. Plymouth; 1885, 134.

Terms are abolished and return days changed. St. 1885, 384.

Petitions for damages for land taken by any town in Nantucket or Dukes may be brought in Bristol. St. 1887, 50. (See 1885, 384, § 1.)

SECT. 24 is repealed. St. 1887, 183.

SECT. 28. Provision made for pensions. St. 1887, 420.

Salaries are fixed and allowance made for travelling expenses. St. 1892, 328. (See 1882, 205; 1888, 274; 1892, 59.)

Chapter 153. — Of Matters Common to the Supreme Judicial Court and the Superior Court.

SECT. 3. See St. 1886, 224.

SECT. 4. Provision made for agreements to postpone, etc., cases on the trial lists. St. 1884, 304; 1890, 154. (See 1889, 459; 1890, 451.)

SECTS. 6–8. See St. 1891, 227.

SECTS. 10, 13. Provisions for proving exceptions when the disability or death of the justice prevents his signing them. St. 1882, 239.

SECT. 12 extended to criminal cases. St. 1891, 362.

SECT. 15. Clerks shall furnish to the attorney-general printed copies of exceptions and reports in cases in which the Commonwealth is interested. St. 1890, 374.

SECT. 23. The original vouchers or bills must be delivered with the orders. St. 1890, 206. (See 1890, 204.)

Chapter 154. — Of the Police, District and Municipal Courts.

The laws relating to district and police courts are revised and consolidated. St. 1893, 396. (See 1882, 95; 1884, 188; 1885, 45, 132, 149, 322; 1887, 293; 1888, 180, 285, 352, 415; 1890, 359, 440, § 10; 1892, 148, 268; 1893, 385.)

Payment of interpreters and of witnesses from without the Commonwealth allowed in criminal cases. St. 1893, 385.

SECT. 1. Police and district courts are established, as follows: First and second, of Barnstable; St. 1890, 177. Brockton; St. 1885, 155. Brookline; St. 1882, 233. East Boston, district; St. 1886, 15. Second, Essex; St. 1888, 193. Western Hampden; St. 1886, 190. Hampshire; St. 1882, 227. Marlborough; St. 1882, 233. Third and fourth, eastern Middlesex; St. 1882, 233. Southern Norfolk; St. 1891, 273. First, northern Worcester; St. 1884, 215.

SECT. 2. Courts abolished: East Boston, municipal; St. 1886, 15. Cambridge, police; St. 1882, 233. First, Plymouth; St. 1885, 155.

Judicial districts changed: Brockton; St. 1887, 322. East Boston; 1882, 146. (See 1886, 15.) Gloucester; 1888, 249. First, eastern Middlesex; 1888, 59. Fourth, eastern Middlesex; 1888, 59; 1889, 312. First, southern Middlesex; 1882, 169.

SECTS. 4, 25. See St. 1882, 43; 1885, 132; 1893, 396, § 63.

SECTS. 5, 6. Clerks given: Southern Berkshire; St. 1886, 333. (See

1884, 231.) Brookline: 1888, 60. Chelsea: 1882, 176. Chicopee: 1891, 78. Hampshire: 1883, 80. Lowell (assistant): 1889, 152. Second, eastern Middlesex: 1883, 97.

Clerical assistance allowed: Bristol: St. 1892, 62. Lowell; St. 1888, 246; 1889, 152. First, eastern Middlesex; St. 1889, 317. Third, eastern Middlesex; 1893, 370.

Clerks and justices of courts having no clerks must deposit public moneys beyond what is required for immediate use. St. 1890, 215. (See 1890, 204.)

SECT. 8. See St. 1888, 352; 1893, 396, § 67.

SECT. 11. See St. 1885, 149, 322; 1887, 293; 1892, 188, § 5; 1893, 172, § 4; 1893, 396, §§ 34-43.

Jurisdiction given in naturalization proceedings. St. 1885, 345; 1886, 45, 203; 1891, 180, 419; 1892, 348.

SECTS. 11-22. See St. 1893, 396, §§ 12, 34-43.

SECT. 23. Sessions changed: Northern Berkshire; St. 1884, 266. Hampshire; St. 1883, 75; 1889, 122. (See 1882, 227; 1883, 80.) First, eastern Middlesex; St. 1893, 350. Northern Worcester; 1888, 212.

SECTS. 23, 25. See St. 1884, 188; 1893, 396, § 56.

SECT. 24 extended. Certification and audit of expenses regulated. St. 1890, 440, § 11; 1891, 70. (See 1893, 396, § 9.)

SECT. 25. See St. 1892, 268; 1893, 396, § 55.

SECT. 26. Travelling expenses allowed to special justice in Hampshire. St. 1884, 205. (See 1885, 40.)

SECT. 27 *et seq.* See St. 1886, 13; 1888, 285, 415; 1890, 359; 1893, 396, §§ 46, 59, 64.

SECT. 30. Fac simile of clerk's signature may be used on certain processes. St. 1886, 13. (See 1885, 321; 1893, 396, § 64.)

SECTS. 34, 35. A controller of accounts is provided for, and method of accounting regulated. St. 1887, 438; 1888, 275; 1890, 204, 216, 440; 1893, 270. (See 1886, 169.)

Funds, beyond what are required for immediate use, must be deposited. St. 1890, 215.

Apportionment of fines to informers in certain cases. St. 1891, 416. (See 1890, 440, § 5.)

SECT. 36. Payment of witness fees regulated. St. 1888, 180; 1890, 440, § 8; 1891, 392; 1893, 396, § 9. (See 1893, 385.)

SECT. 37. Fees and costs are regulated in certain cases. St. 1890, 256, 353, 440; 1891, 71, 325, 416; 1892, 200. (See 1892, 231, 268; 1893, 385.)

SECT. 38. See St. 1885, 235.

No court fees shall be allowed or taxed in criminal cases. St. 1890, 256.

SECT. 39 *et seq.* Appeals regulated. St. 1893, 396, §§ 24-32. (See 1882, 95; 1890, 224, 440, § 10.)

SECT. 42 *et seq.* The justices may act for each other in certain cases. St. 1882, 43. (See 1885, 132.)

The municipal court of East Boston is abolished, and East Boston district court established. St. 1886, 15. (See 1882, 146.)

Clerks and clerical assistance provided for: East Boston; St. 1886, 15.

South Boston; 1887, 327. Charlestown; 1889, 206. Dorchester; 1885, 79. West Roxbury; 1887, 274.

SECT. 55. Number of justices increased. St. 1882, 41; 1888, 419, § 11.

SECT. 58. Assistant clerks and clerical assistance provided for. St. 1883, 47; 1885, 42, § 2, 137, § 2; 1888, 419, § 13; 1889, 170; 1893, 371.

SECT. 62. Additional sessions by special justice provided for. St. 1885, 42, § 1. When he acts he must state in the record the fact which gives him jurisdiction. St. 1892, 268.

SECT. 64. Salaries of justices fixed: First and second Barnstable; St. 1890, 177. Central Berkshire; 1887, 190. Northern Berkshire; 1887, 61. (See 1884, 266, § 3.) Southern Berkshire; 1884, 231. Boston; 1887, 163. (See 1882, 41, § 2.) East Boston; 1892, 100. (See 1886, 15.) South Boston; 1889, 242. Brighton; 1885, 49. First Bristol; 1889, 261. (See 1884, 220.) Second Bristol; 1891, 108. Third Bristol; 1889, 54. Brockton; 1885, 155. Brookline; 1884, 211. (See 1882, 233, § 6.) Charlestown; 1891, 160. (See 1889, 227.) Dorchester; 1885, 79. First Essex; 1882, 245. Second Essex; 1888, 193. Fitchburg; 1889, 97. (See 1882, 245.) Gloucester; 1888, 234. Eastern Hampden; 1889, 130. Western Hampden; 1886, 190. Hampshire; 1883, 75. (See 1882, 227; 1883, 80; 1884, 205.) Haverhill; 1882, 245. Holyoke; 1886, 151. Lawrence; 1893, 479. (See 1888, 110.) Lowell; 1893, 479. (See 1886, 307.) Lynn; 1891, 162. (See 1886, 154.) Marlborough; 1892, 93. (See 1882, 233.) Central Middlesex; 1890, 238. First eastern Middlesex; 1893, 479. (See 1882, 245,* 1886, 166.) Second eastern Middlesex; 1886, 123. (See 1882, 245.) Third eastern Middlesex; 1882, 233. Fourth eastern Middlesex; 1893, 479. (See 1882, 233.) First northern Middlesex; 1889, 198. First southern Middlesex; 1889, 12. Newburyport; 1882, 245. Newton; 1893, 479. (See 1890, 93.) East Norfolk; 1889, 263. Southern Norfolk; 1891, 273. Fourth Plymouth; 1889, 281. Roxbury; 1889, 217. West Roxbury; 1883, 111. Somerville; 1891, 161. (See 1882, 245; 1887, 180.) Springfield; 1887, 171. Central Worcester; 1888, 50. First eastern Worcester; 1884, 208. Second eastern Worcester; 1889, 158. (See 1882, 245.) First northern Worcester; 1893, 479. (See 1884, 215, § 4.) First southern Worcester; 1890, 131. Second southern Worcester; 1888, 173. Third southern Worcester; 1882, 245.

Salaries of clerks fixed: Central Berkshire; 1893, 479. (See 1882, 245.) Northern Berkshire; 1888, 89. (See 1887, 61.) Southern Berkshire; 1887, 227. (See 1884, 231; 1886, 333, § 4.) Boston, civil; 1882, 245. First assistant; 1889, 39. Second assistant; 1889, 143. Third assistant; 1892, 58. (See 1889, 170.) Criminal clerk and assistant; 1893, 479. (See 1882, 245; 1885, 137.) East Boston; 1886, 15. (See 1882, 245.) South Boston; 1882, 245. Assistant; 1887, 327. First Bristol; 1889, 261. Second Bristol; see 1889, 62. Third Bristol; 1893, 479. (See 1889, 41.) Brockton; 1885, 155. Brookline; 1888, 60. Charlestown; 1887, 175. (See 1889, 206.) Chelsea; 1887, 117. (See 1882, 176; 1884, 197.) Chicopee; 1891, 78. Dorchester; 1893, 479. (See 1885, 79; 1886, 124.) First Essex; 1882, 245. Fitchburg; 1891, 71. (See 1882, 245; 1889, 289.) Gloucester; 1888, 235. (See 1883, 53.) Western Hampden;

1893, 479. (See 1886, 190; 1888, 88.) Hampshire; 1893, 479. (See 1883, 80; 1886, 106.) Haverhill; 1888, 55. (See 1882, 245.) Holyoke; 1887, 318. (See 1884, 65.) Lawrence; 1893, 479. (See 1887, 208.) Lowell; 1893, 479. (See 1886, 307.) Assistant; 1889, 152. (See 1882, 63; 1888, 246.) Lynn; 1893, 479. Marlborough; 1892, 93. (See 1882, 233; 1889, 19.) First eastern Middlesex; 1893, 479. (See 1882, 87, 245; 1886, 167; 1889, 317.) Second eastern Middlesex; 1891, 107. (See 1883, 97; 1885, 180; 1888, 233.) Third eastern Middlesex; 1886, 165. (See 1882, 233.) Fourth eastern Middlesex; 1893, 479. (See 1882, 233; 1887, 174.) First northern Middlesex; 1888, 214. First southern Middlesex; 1886, 156. Newburyport; 1889, 277. (See 1882, 245.) Newton; 1893, 479. (See 1886, 158.) East Norfolk; 1893, 479. (See 1888, 54.) Southern Norfolk; 1891, 273. First Plymouth; 1883, 57. (See 1885, 155.) Third Plymouth; 1889, 137. Fourth Plymouth; 1891, 190. (See 1884, 204.) Roxbury, clerk; 1893, 479; assistant; 1889, 239. (See 1882, 245.) Somerville; 1887, 265. (See 1882, 245.) Springfield; 1889, 28. (See 1886, 155.) West Roxbury; 1893, 479. (See 1887, 274; 1889, 92.) Central Worcester; 1889, 83. Assistant; 1893, 479. (See 1882, 245; 1888, 184.) Second eastern Worcester; 1889, 218. (See 1882, 245.) First northern Worcester; 1885, 286. (See 1884, 215, § 4.) Compensation of special justices regulated. St. 1893, 396, § 66. And of *pro tempore* clerks. St. 1893, 396, § 67. (See 1888, 352.)

Salaries of constables in attendance fixed: Boston, civil; St. 1886, 130. Criminal; 1888, 195. (See 1886, 130.) Brighton; 1886, 148. Charlestown; 1886, 136. East Boston and South Boston; 1882, 245. Roxbury; 1889, 174. West Roxbury; 1886, 148.

Chapter 155.—Of Justices of the Peace and Trial Justices.

The laws relating to district and police courts are revised and consolidated. St. 1893, 396.

Women who are appointed special commissioners shall have same powers as justices of the peace in certain cases. St. 1889, 197. (See 1882, 139; 1883, 252.)

SECT. 3. Justices may summon witnesses in civil cases. St. 1885, 141. (See 1884, 247.)

SECT. 4. Power of justices to issue warrants modified. St. 1884, 286. (See 1884, 191.)

SECT. 10. In Dukes county three trial justices. St. 1892, 408.

SECT. 12 *et seq.* See St. 1893, 396, §§ 12–16.

SECT. 17 *et seq.* No original writ shall be returnable more than sixty days from date. St. 1892, 148; 1893, 396, § 17.

Provision is made for preservation of records, etc., of trial justices. St. 1888, 211.

SECT. 21. In case of failure to attend an adjourned hearing another justice may act in certain cases. St. 1883, 175. (See 1890, 202.)

SECTS. 24–26. Bond required instead of recognizance before removal. St. 1888, 325. These sections shall not apply to actions before district and police courts. St. 1893, 396, § 21.

SECT. 28. Appeal is to be entered at next return day. St. 1885, 384, § 5.

SECT. 29 *et seq.* No bond, recognizance or deposit required in a replevin suit. St. 1890, 224. (See 1882, 95; 1893, 396, § 29.)

SECT. 37, 38. See St. 1890, 202.

SECT. 40, 41. See St. 1888, 211.

SECT. 43 *et seq.* Jurisdiction of trial justices extended. St. 1885, 149, 356; 1892, 160, 188, § 5; 1893, 172, § 4. (See 1893, 414.) Payment of interpreters and of witnesses from without the State allowed in criminal cases. St. 1893, 385.

Form of warrants for commitment for non-payment of fines modified. St. 1891, 416.

SECT. 44. See St. 1893, 396, § 46.

SECT. 49. Commitments of children under twelve restricted. St. 1882, 127.

Costs regulated in certain cases. St. 1889, 469. (See 1893, 385.)

SECTS. 63, 65. Appellant must pay the jailer's fees in certain cases. St. 1890, 328.

SECTS. 67 *et seq.*, 74, 75. Provision made for completion of unfinished business before trial justices. St. 1890, 202. (See 1883, 175.)

SECT. 68. Commitments for contempt may be to any jail. St. 1886, 224.

SECTS. 69, 77 *et seq.* Provision made for uniform dockets and blanks except in certain cases. St. 1888, 285. (See 1893, 396, § 59.)

SECT. 78 repealed. Payments and accounting regulated. St. 1887, 438; 1890, 204, 215, 216, 440; 1891, 70, 325, 416; 1893, 270, 385. (See 1886, 169; 1888, 275.)

Chapter 156. — Of Probate Courts.

Uniform rules of practice and blanks are provided for. St. 1893, 372. (See Res. 1893, 23.)

When a judge is unable to perform his duties, or there is a vacancy, another judge shall act in his place. Compensation therefor fixed. St. 1892, 337. An additional judge is provided for in Suffolk. St. 1893, 379.

Probate courts may appoint auditors to examine accounts. St. 1889, 311.

Any act or proceeding within the power of the court in the first instance may be confirmed. St. 1888, 420.

The probate of a will, or a determination of intestacy, are made conclusive in certain cases after two years. St. 1889, 435.

Disposition of certain moneys unclaimed or not payable regulated. St. 1885, 376; 1889, 185, 449, § 2; 1890, 408. (See 1893, 379.)

Attorneys may appear in probate proceedings, and process and notices may be served on them as if upon the parties. St. 1890, 420.

SECT. 2. Jurisdiction extended. St. 1887, 332, § 2; 1891, 415, 425, § 14; 1892, 116.

SECTS. 5-11. Appeals in certain cases regulated. St. 1887, 332, § 3; 1888, 290; 1890, 261, § 3; 1891, 415, § 3.

SECTS. 7, 8 amended. St. 1888, 290.

SECTS. 9, 13 amended. The superior court is to act in certain cases. St. 1890, 261. (See 1891, 415.)

SECT. 22. See St. 1893, 372. Provision for a constable to attend the court in Suffolk. St. 1884, 140; 1887, 156. (See 1887, 243.)

SECTS. 27, 28. Provision for rearranging worn records and dockets. St. 1891, 225.

SECT. 32. See St. 1885, 376; 1889, 185; 1890, 408; 1893, 379.

SECT. 35. Expenses may also be awarded. St. 1884, 131. (See 1884, 291.)

SECT. 44. Limit of expense changed. St. 1893, 422. (See 1884, 118; 1887, 217.)

SECT. 45. See St. 1886, 224.

SECT. 48. Provision made for cases of holidays. St. 1884, 141.

Changes in sessions: Barnstable; 1893, 343. Franklin; St. 1887, 46. Hampden; 1884, 294. Hampshire; 1886, 145. Middlesex; 1889, 182. Plymouth; 1887, 63; 1889, 269. (See 1889, 237.) Suffolk; 1892, 202. (See 1893, 379.) Worcester; 1893, 348.

Chapter 157. — Of Courts of Insolvency.

Petition may be brought in county where debtor had a usual place of business. St. 1893, 405.

Attorneys may appear and be served with notices and process. St. 1890, 420.

Uniform rules of practice provided for. St. 1893, 372.

Two judges in Suffolk. St. 1893, 379.

Composition with creditors provided for and regulated. St. 1884, 236; 1885, 353; 1889, 406; 1890, 387. (See 1886, 322; 1888, 405.)

Provision made for special judgments against insolvent debtors whose property is under attachment or brought within the control of the court. St. 1885, 59; 1892, 209. And where bond to dissolve attachment or prosecute review is given, and debtor discharged in composition proceedings. St. 1888, 405.

Voluntary assignments are authorized and proceedings regulated. St. 1887, 340.

SECT. 5. Commitments for contempt may be made to any jail. St. 1886, 224.

SECT. 16. See St. 1893, 405.

SECTS. 19, 80. Accidental delay or omission to file schedules not to defeat discharge. St. 1886, 290.

SECT. 26. Equitable liabilities may be proved. St. 1884, 293.

SECTS. 36-38. See St. 1889, 420.

SECTS. 36, 91. Appeal is to be entered on next return day. St. 1885, 384, § 5.

SECT. 40. Non-resident assignees must appoint a resident agent. St. 1889, 313. (See 1890, 420.)

SECT. 46. Voluntary assignments are valid against an assignee in insolvency, subsequently appointed, in certain cases. St. 1887, 340.

A mortgage, if recorded more than four months after its date, is not good against assignee in certain cases. St. 1888, 393.

SECTS. 64-66. Provision made for case of death of assignee after disposal of property and before settlement of accounts. St. 1891, 400.

SECT. 70. Fees of witnesses regulated. St. 1890, 277.

SECT. 84. No claim against a pledgee, created by an unauthorized sale

of the collateral security, shall be discharged. St. 1885, 353, § 6. (See 1884, 236, § 9.)

SECT. 93 amended by omitting the clause making the giving of preferences an objection to a discharge. St. 1886, 322.

SECT. 96 *et seq.* A pledge or payment of a reasonable sum for legal services may be allowed. St. 1889, 420.

SECT. 99. If the debtor does not apply, the court may make an allowance to his wife or minor children. St. 1888, 67.

SECT. 102. Accounts must be sworn to. St. 1884, 126.

SECT. 103. Provision made for investment of unclaimed dividends. St. 1883, 242.

SECT. 112 amended as to limit of time of residence and of bringing the petition in certain cases. St. 1890, 431. (See St. 1893, 405, § 2.)

SECTS. 116, 120. See St. 1893, 405, § 2.

SECTS. 127-130, 136. Provision made for insolvency proceedings by and against certain foreign corporations. St. 1890, 321.

SECTS. 137, 138. Provision for payment of surplus of deposit when made by others than the debtor. St. 1889, 417. (See 1884, 236, § 9; 1885, 353, § 5.)

SECT. 139 amended. Provable costs, expenses, etc., limited. St. 1892, 359.

Chapter 158.—Of Judges and Registers of Probate.

When a judge is unable to perform his duties, or there is a vacancy, another judge shall act in his place. Compensation therefor fixed. St. 1892, 337.

SECT. 8. Registers shall send to the State treasurer copy of inventory of estates subject to a collateral succession tax. St. 1891, 425, § 10.

SECT. 23. Salaries of judges fixed. St. 1893, 469. (See as to Barnstable; St. 1887, 166. Berkshire; 1884, 192. Bristol; 1885, 165; 1889, 211. Dukes; 1885, 318. Essex; 1883, 244; 1888, 112. Hampden; 1886, 189. Middlesex; 1882, 129; 1886, 184; 1889, 251. Nantucket; 1890, 115. Norfolk; 1887, 72. Plymouth; 1886, 183. Suffolk; 1885, 203; 1893, 379. Worcester; 1885, 275.)

Salaries of registers and assistant registers fixed. St. 1893, 469. (See as to Berkshire; St. 1884, 192. Essex; 1887, 273. Franklin, assistant; 1893, 151. Hampden; 1884, 248. Middlesex; 1887, 259; 1891, 318. Suffolk; 1882, 144; 1891, 91. Worcester; 1888, 152.)

SECTS. 23, 24. Allowance made for clerical assistance: Bristol; St. 1889, 136. Essex; 1886, 114. Middlesex; 1890, 192; 1893, 344. Suffolk; 1892, 230; 1893, 431. (See 1885, 205; 1888, 280; 1889, 418; 1890, 192.) Worcester; 1889, 209. (See 1887, 39.)

SECT. 24 shall not apply to Suffolk. St. 1885, 205, § 2. Or to Franklin. St. 1893, 151, § 2.

Chapter 159.—Of Clerks, Attorneys and Other Officers of Judicial Courts.

SECTS. 2, 5. Clerical assistance provided for. St. 1893, 327.

SECT. 4. Fac-simile of clerk's signature may be used on all processes except executions. St. 1886, 13.

SECT. 6. When regular clerk is absent, county commissioners shall appoint one of their number clerk *pro tempore*. St. 1890, 198.

SECTS. 8, 9, 31. Assistant clerks given and salaries fixed: Essex; St. 1889, 444. Middlesex; 1892, 187. (See 1889, 11; 1890, 201.) Suffolk; 1893, 190. (1st. See 1887, 199.) 1885, 250 (2d); 1888, 153 (3d); 1889, 50 (4th); 1893, 153 (5th); (See 1892, 87.) Worcester; 1891, 92. Signatures of assistants regulated. St. 1889, 215.

SECTS. 27, 28. Accounting for fees, etc., regulated. St. 1887, 291, 438; 1888, 257; 1890, 209, 215, 216; 1891, 236.

Clerks must deposit public funds beyond what are required for immediate use. St. 1890, 215. Certain unclaimed funds are to be paid to the treasurer of the Commonwealth. St. 1890, 330.

SECT. 29 *et seq.* Clerks' salaries fixed: Supreme judicial court, Suffolk; St. 1887, 291. Superior court: 1888, 257. First assistant; 1887, 199. Barnstable; 1892, 95. Dukes; 1887, 112. Their fees are fixed. St. 1888, 257; 1889, 433; 1890, 209; 1891, 87. (See 1890, 360.)

SECT. 34 *et seq.* Women may be admitted to practise. St. 1882, 139; (See 1883, 252; 1889, 197.)

The fee for admission to the bar is fixed. St. 1888, 257, § 5.

SECTS. 34, 39. Disbarred attorneys who continue to practise, and persons falsely representing themselves to be attorneys, are subject to a penalty. St. 1891, 418.

SECT. 44. Word "suit" applies to any proceeding before any court. St. 1884, 170.

SECTS. 47, 48. Masters, assessors and referees, and arbitrators under chapter 188 upon whose awards judgment is entered, are to be paid by the county. St. 1883, 216; 1886, 51; 1887, 289.

They are to have no fees unless report is filed within ninety days. St. 1888, 282.

SECT. 51. The fee for a rule to an auditor is fixed at one dollar. St. 1888, 257, § 5.

The probate court may appoint auditors in certain cases. St. 1889, 311.

SECTS. 56-63. Publication of reports regulated. St. 1889, 471. Reporter's salary fixed, and allowance made for clerk hire and incidental expenses. St. 1892, 380. (See 1889, 471, § 4.)

SECT. 64 *et seq.* Number of officers in attendance regulated, their duties defined and compensation fixed, in Suffolk: Supreme judicial court; St. 1882, 232; 1886, 37; 1887, 243; 1890, 294. Superior court; St. 1886, 37; 1888, 357. (See 1882, 245, § 3; 1883, 54.) Middlesex supreme judicial and superior courts; St. 1892, 107.

And in probate and insolvency courts. St. 1884, 140; 1887, 156, 243.

Officers in attendance in the supreme judicial and superior courts in Suffolk and Middlesex must wear uniforms. St. 1888, 371; 1891, 181; 1892, 107.

SECT. 72 *et seq.* Official stenographers provided for in all counties, and their compensation fixed. St. 1885, 291; 1887, 24, 74; 1889, 324; 1892, 133; 1893, 452. And additional stenographers. St. 1893, 404.

SECTS. 72-75 repealed. St. 1887, 24, § 4.

Chapter 160.—Special Provisions respecting Courts and the Administration of Justice.

SECT. 4. When Christmas falls on Sunday the courts are not open on the following day. St. 1882, 49. The first Monday of September is "Labor's holiday." St. 1887, 263.

SECTS. 8-10. The laws as to naturalization are revised; jurisdiction is given to the lower courts. St. 1885, 345; 1886, 45, 203; 1887, 36, 329; 1891, 180, 419; 1892, 348. (See 1884, 298, § 38; 1888, 257, § 4; 1893, 376, 417, § 237.)

SECT. 9 is repealed; primary declarations may be made at any time. St. 1886, 45; 1891, 180.

Chapter 161.—Of the Commencement of Actions and the Service of Process.

The laws relating to district and police courts are revised and consolidated. St. 1893, 396.

SECT. 1 applies to equity suits. St. 1883, 223, § 13.

SECTS. 1-12. The supreme judicial and superior courts may change the venue in certain cases. St. 1887, 347.

SECT. 10. The motion may be filed within thirty days after the day for appearance. St. 1885, 384, § 14. (See 1892, 169.)

SECT. 13 *et seq.* All civil actions, at law or in equity (except replevin) in the supreme judicial and superior court, may be commenced in either form. St. 1887, 383.

Fac-simile of clerk's signature may be used on certain processes. St. 1886, 13. (See 1885, 321.)

No original writ issued by a trial justice, or district, police or municipal court, shall be returnable more than sixty days from date. St. 1892, 148; 1893, 396, § 17.

SECTS. 23, 27. Terms are abolished and writs are returnable on first Monday of each month. St. 1885, 384.

SECTS. 31, 34, 36. See St. 1884, 330; 1886, 230; 1889, 393; 1890, 321.

SECTS. 38-60. The right to attach the property of newspaper offices is limited. St. 1890, 377.

SECT. 62. All attachments must be deposited in the registry of deeds. St. 1889, 401. (See 1892, 289.)

SECT. 84. Justices of the supreme judicial or superior court may order clerk to issue process in cases pending in another county. St. 1886, 223. (See 1885, 384, § 3.)

SECT. 122 *et seq.* Bonds must contain a provision for special judgments under St. 1888, 405. (See 1885, 59.)

SECTS. 122-125. The sureties are released by principal's discharge in insolvency proceedings begun within four months. St. 1889, 470.

SECT. 127. See St. 1892, 359.

Chapter 162.—Of Arrest, Imprisonment and Discharge.

SECTS. 17, 18, 20, 25, 27, 28, 33, 34, 54 are amended. Poor debtor proceedings are regulated. St. 1888, 419; 1889, 415; 1890, 128; 1891, 271, 313, 407. (See 1887, 442; 1893, 62.)

SECT. 17. Notice for examination must be given under either of the charges in this section. St. 1887, 442. Affidavit may be made at any time before the certificate is issued. St. 1891, 407.

SECTS. 32, 34. A debtor shall not suffer default by reason of the absence or disability of the magistrate, if a new notice is issued within three days. St. 1887, 442, §§ 3, 4.

SECT. 36. If recognizance is not satisfactory debtor may be imprisoned. St. 1889, 415, § 4.

SECT. 68. The fees are changed, and the mode of their recovery. They are to be accounted for. St. 1888, 419, § 13; 1889, 415, §§ 6, 7; 1893, 62.

Chapter 163. — Of Bail.

SECT. 12 is amended. The bail is discharged on paying costs, if the principal dies. St. 1884, 260.

Chapter 164. — Of Proceedings against Absent Defendants, and upon Insufficient Service.

Provision made for service on foreign corporations. St. 1884, 330. (See 1886, 230; 1889, 393; 1890, 321.)

SECT. 6. Notice must be given within one year to a non-resident of attachment of his real estate. St. 1884, 268.

SECT. 7 amended as to time for appearance. St. 1885, 384, § 8.

Chapter 167. — Of Pleading and Practice.

Court terms are abolished, return days changed and practice regulated. St. 1883, 223; 1884, 304, 316; 1885, 384; 1887, 332, 380, 383; 1890, 154, 374, 398, 451; 1891, 227, 362; 1892, 440; 1893, 61.

Where there are two or more shire towns, the shire town at which an action shall be tried may be designated on entry of the writ. St. 1882, 264.

All civil actions at law or in equity (except replevin) in supreme judicial or superior court may be begun by bill or petition, or by writ with bill or petition inserted, and relief given as the case requires. St. 1887, 383.

Claimants of funds in defendant's hands may be summoned in and the parties required to interplead. St. 1886, 281. (See 1883, 62; 1888, 345.)

SECTS. 2-10. A form for declaring for recovery of interest is established. St. 1890, 398.

SECT. 9 amended. On failure to file a declaration the action may be dismissed on motion. St. 1885, 384, § 6.

SECTS. 9, 11-20, 24-29, 40, 41 and 81 apply to actions in district and police courts. St. 1893, 396, § 23.

SECT. 11. Demurrers in equity regulated. St. 1883, 223, § 10. (See 1887, 383, § 2.)

SECT. 13 *et seq.* Any matter which in equity would entitle the defendant to be absolutely relieved from plaintiff's claim may be alleged. St. 1883, 223, § 14; 1887, 383.

SECT. 43. The superior court retains jurisdiction although the action be changed to equity. St. 1883, 223, § 17; 1887, 383, § 3.

SECTS. 46, 47 are repealed, and new provisions made as to defaults. St. 1885, 384, §§ 7-11.

SECTS. 64, 67 *et seq.* Provision made for postponement, etc., of cases on trial list. St. 1884, 304; 1890, 154. (See 1890, 451.)

A printed daily trial list of civil cases is required in superior court, Suffolk, and regulated. St. 1889, 459.

An attorney when actually engaged in the trial of a cause in the supreme judicial or superior court is not obliged to proceed to trial of another cause, unless the court deems it just and reasonable. St. 1890, 451.

SECT. 65. See St. 1893, 396, § 20.

SECT. 89. See St. 1893, 396, § 23.

SECT. 90. District court of Hampshire is added. St. 1891, 139.

Police courts may order defendant to answer. St. 1886, 64.

Chapter 169. — Of Witnesses and Evidence.

SECT. 1 is revised and right to issue summonses extended. St. 1885, 141; 1889, 197. (See 1884, 247.)

SECT. 5. See St. 1886, 224.

SECTS. 7, 8 extended to boards of police commissioners. St. 1882, 267.

Justices of supreme judicial or superior court may compel attendance of witnesses before tribunals having power to summon, but not to compel attendance. St. 1883, 195.

SECTS. 28, 41. Where the adverse party does not appear, no notice of taking deposition or exhibition of interrogatories is required. St. 1883, 188.

SECT. 54 is amended. Notice to non-resident parties is provided for. St. 1882, 140.

SECTS. 69, 70. Attested copies of rules of boards of aldermen, ordinances of cities, by-laws of towns and records of cities and towns are admitted. St. 1889, 387. And sworn copies of records, books and accounts of savings banks. St. 1885, 92.

Chapter 170. — Of Juries.

SECT. 6. Preparation of list of jurors in Nantucket regulated. St. 1891, 131.

SECT. 10. Venires for jurors for the supreme judicial court in Barnstable regulated. St. 1889, 173.

SECT. 24. Special provisions made for preparation of jury lists in Boston. St. 1888, 123.

SECT. 35. Jurors may be examined by parties or their attorneys, under direction of the court. St. 1887, 149.

Chapter 171. — Of Judgment and Execution.

Judgments, orders and decrees must bear date of entry. St. 1885, 384, § 13.

No judgment or decree affecting title to real estate shall be valid against third parties without notice, unless recorded. St. 1892, 289. (See 1889, 401.)

SECTS. 1, 17-24. Special judgments are provided for against insolvents

whose property is attached, or under control of a court of equity on a creditor's bill or otherwise. St. 1885, 59; 1892, 209. And where bond is given to dissolve attachment or prosecute review, and defendant is discharged in composition proceedings. St. 1888, 405. (See 1884, 236; 1885, 353.)

SECT. 34. Certain funds of charitable and relief societies are exempted. St. 1886, 125, § 2; 1890, 421, § 23. Also military equipments. St. 1893, 367, § 71. (See 1885, 183, § 11; 1887, 214, § 73, 411, § 71.)

SECT. 39. When a sale has been enjoined court may order adjournments until further order. St. 1884, 175.

SECTS. 52, 53. Provision made for record of seizure in cases where the levy is suspended on account of a prior attachment. St. 1887, 407.

SECT. 54. In case of sickness or absence of the officer another may be delegated. St. 1885, 125.

Chapter 172. — Of the Levy of Execution on Real Estate.

SECT. 30. Enjoined sales may be adjourned by the court granting the injunction. St. 1884, 175.

SECTS. 32, 49. Right of redemption extended to lands set off. St. 1886, 86.

Chapter 173. — Of the Writ of Entry.

SECT. 2. Notwithstanding disseizin or adverse possession a conveyance of real estate otherwise valid vests in the grantee the rights of entry and of action for recovery. St. 1891, 354.

Chapter 175. — Of the Summary Process for the Recovery of Land.

SECT. 1. See St. 1891, 354.

SECT. 2 *et seq.* See St. 1893, 396, §§ 12, 13, 25, 29, 423, § 27.

SECTS. 6, 7, 8. A bond instead of a recognizance is to be given. St. 1888, 325.

Chapter 176. — Of Petitions for the Settlement of Title.

This chapter is repealed and a substitute enacted. St. 1893, 340.

Provision made for barring action on an undischarged mortgage after possession by the mortgagor for twenty years without act of recognition. St. 1882, 237; 1885, 283; 1890, 427, § 1. (See 1889, 442.)

Provision made for determining the validity, nature and extent of conditions, restrictions, reservations, stipulations, etc., more than thirty years old, appearing of record. St. 1889, 442; 1890, 427, § 2. (See 1882, 237; 1885, 283.)

Chapter 178. — Of the Partition of Land.

SECTS. 2, 9, 75 extended. Land in different counties may be divided in one proceeding. St. 1888, 346.

SECT. 13. The right to remove petitions for partitions under this section is taken away. St. 1892, 169. (See 1885, 384, § 14.)

SECT. 45 *et seq.* The probate court may set off his share to petitioner

and allow the residue to remain in common. St. 1885, 293. (See 1887, 286 ; 1888, 346.)

SECT. 51. Words "newspaper or" inserted. St. 1882, 55.

SECT. 63 amended. St. 1882, 6, § 2.

SECTS. 64-75. Provision made for partitions where there are estates for life or for a term of years, and a remainderman. St. 1887, 286.

SECT. 75. See St. 1888, 346, § 3.

SECT. 69. No petition for partition shall be defeated because a party has paid off an incumbrance which other parties were entitled to redeem, but the decree shall prescribe terms of redemption. St. 1889, 468.

Chapter 180. — Of Actions for Private Nuisances.

Fences and other like structures over six feet in height, maliciously erected or maintained, are declared private nuisances. St. 1887, 348.

Chapter 181. — Of the Redemption and Foreclosure of Mortgages.

SECT. 17. The notice may be given in some newspaper in the county if there is none in the town. St. 1882, 75.

SECT. 27. The mortgagee may proceed with a sale already advertised unless the amount due is paid into court or the sale enjoined. St. 1888, 433.

Chapter 183. — Of the Trustee Process.

SECT. 3. Where a trustee is made a party for the purpose of giving jurisdiction in the county where the trustee resides, the parties not residing there, the action may be transferred. St. 1893, 285. (See St. 1893, 396, § 13.)

SECT. 7 extended to trial justices. St. 1887, 33.

SECT. 10. Appearance and answer must be within ten days from the return day of the writ. St. 1885, 384, § 9.

SECT. 29 *et seq.* The wages or lay of seamen are exempted. St. 1886, 194. But not of fishermen. St. 1890, 289.

SECT. 34. Certain funds of charitable and relief societies are not liable to attachment. St. 1886, 125 ; 1890, 421, § 23. (See 1885, 183, § 11 ; 1887, 214, § 73.)

SECT. 38. Provision is made for executions in favor of claimants. The provision as to proceedings under chapter 161, sections 80, 82, 83, is omitted. St. 1888, 345. (See 1883, 62 ; 1886, 281.)

SECT. 73. In a suit by the defendant against the trustee, pending the trustee process, the costs are in the discretion of the court. St. 1883, 62. (See 1886, 281 ; 1888, 345.)

Chapter 184. — Of the Replevin of Property.

In case of appeal from the lower courts by the plaintiff, no bond, recognition or deposit is required. St. 1890, 224. (See St. 1893, 396, § 29.)

Chapter 185. — Of Habeas Corpus and Personal Replevin.

SECT. 3. Provision for habeas corpus in poor debtor proceedings. St. 1888, 419, § 12.

SECT. 18 is amended. St. 1882, 6, § 3.

Chapter 187.—Of Writs of Error and Writs of and Petitions for Review.

Upon a writ of error or other proceeding to reverse or avoid a conviction, or discharge a prisoner, the fact that the person was under seventeen years of age shall not be deemed material. St. 1892, 266.

SECT. 16 *et seq.* See St. 1893, 396, § 33.

SECT. 39. A stay may be ordered without security when petitioner had no actual knowledge of the action before judgment was entered. St. 1882, 249.

Bonds to prosecute review must have provision for special judgments in cases of discharge of defendant in composition proceedings. St. 1888, 405, § 2.

Chapter 188.—Of Reference to Arbitration.

The fees of arbitrators under this chapter, upon whose awards judgment is entered, are to be paid by the county. St. 1887, 289. (See 1883, 216; 1886, 51.)

Chapter 189.—Of Improving Meadows and Swamps.

SECT. 15. "Return day" is substituted for "court held." St. 1885, 384, § 5.

Chapter 190.—Of Mills, Dams and Reservoirs.

SECT. 48 is extended to any stream, on certain conditions. St. 1892, 55.

SECT. 53 *et seq.* County commissioners may examine dams and reservoirs upon their own judgment, and proceed as if application had been made to them. St. 1891, 315; 1893, 99.

Chapter 191.—Of Liens on Buildings and Land.

SECT. 6. Certain inaccuracies not to invalidate the statement if parties were not misled. St. 1892, 191.

SECT. 12 is repealed. St. 1888, 344, § 4.

SECTS. 13, 16, 17 are revised, and new method of procedure prescribed. St. 1888, 344. District and police courts have jurisdiction when the claim does not exceed one thousand dollars. St. 1893, 396, § 12.

SECTS. 42, 43. Any person to whom a debt would be payable for labor or materials, if it were not for a lien, may dissolve such lien by bond. St. 1890, 383.

SECT. 45. Creditor's attorney may discharge lien. St. 1891, 244.

Chapter 192.—Of Mortgages, Conditional Sales, Pledges and Liens on Personal Property.

SECTS. 1, 2 are repealed, and new provisions made as to recording. St. 1883, 73.

The discharge of, and redemption of security for, small loans regulated. St. 1888, 388; 1890, 416; 1892, 428. (See 1885, 252.)

Mortgages of household furniture are regulated in certain cases. St. 1892, 428, § 3.

SECTS. 7, 10. See St. 1892, 428, § 4.

SECTS. 10-12. Debts or claims against a pledgee, created by an unauthorized sale of the collateral, are not discharged in insolvency. St. 1885, 353, § 6. (See 1884, 236, § 9.)

SECT. 13. Conditional sales of furniture or household effects are regulated. St. 1884, 313; 1892, 411.

SECT. 24. Courts in the county where the petitioner has his usual place of business also have jurisdiction. St. 1888, 46.

SECT. 26 amended to conform to section 24. St. 1893, 173.

SECT. 31. Disposition of unclaimed baggage, etc., regulated. St. 1893, 419.

Chapter 195.—Of the Collection of Claims against the Commonwealth.

SECT. 1 is extended to all claims, whether at law or in equity, except those mentioned in section 7. They are subject to set-off. St. 1887, 246.

Chapter 197.—Of the Limitation of Personal Actions.

Actions to recover forfeitures for selling liquor to a minor are limited to two years. St. 1889, 390.

Chapter 198.—Of Costs in Civil Actions.

When two or more cases are tried together in the supreme judicial, superior, or any police, municipal or district court, the costs may be reduced by the presiding judge. St. 1892, 231.

SECT. 25 is revised. Time of hearing appeals changed. St. 1882, 235.

SECT. 28. Term fees are limited. St. 1882, 264.

Chapter 199.—Of the Fees of Certain Officers.

In criminal cases, if the complaint is unfounded, frivolous or malicious, the magistrate may refuse to allow fees to complainant. St. 1890, 440, § 13.

SECT. 2. In police, district and municipal courts no court fees are allowed in criminal cases. St. 1890, 256.

SECTS. 2, 3. The fees of trial justices and mode of approval and certification are established. St. 1890, 353; 1891, 325; 1892, 200, § 3. (See 1890, 440; 1892, 160.)

SECTS. 4, 5. The entry fee covers all clerks' fees, except in certain cases. St. 1888, 257; 1889, 433; 1890, 209, 360; 1891, 87.

SECT. 6. Fees for summoning witnesses in criminal cases fixed. St. 1882, 215.

SECT. 9 is revised. Certain charges for horse hire are allowed. St. 1885, 254.

SECTS. 14, 39. When two or more cases are tried together the presiding judge may reduce the fees and costs. St. 1892, 231.

SECT. 14. Fees of witnesses in insolvency proceedings regulated. St. 1890, 277.

SECT. 15 repealed. Appraisers' fees regulated. St. 1886, 135.

SECT. 20. See St. 1892, 253, § 2.

SECTS. 23-27 apply to registers of probate and insolvency. St. 1893, 469, § 2.

SECTS. 30, 34 *et seq.* Officers' fees, costs and expenses regulated. St. 1890, 440; 1891, 70, 325, 392; 1892, 200. (See 1889, 469; 1890, 166; 1892, 231.)

SECTS. 32, 39. See St. 1892, 231.

Chapter 200.—Of the Rights of Persons accused.

Police matrons and stations for detention of women are required in certain cities. St. 1887, 234; 1888, 181.

Chapter 202.—Of Offences against the Person.

SECT. 27. Punishment modified and "age of consent" raised. St. 1893, 466. (See 1886, 305; 1888, 391.)

Chapter 203.—Of Offences against Property.

The following are made offences:—

False statements of the distance travelled or to be travelled with a hired horse, or refusal to pay the hire. St. 1882, 236.

Obtaining, by false representations, certificates or transfers of registration, and giving false pedigrees of cattle, horses, etc. St. 1887, 143; 1890, 334.

Entering or driving a horse disguised, or different from the one purported to be entered, to compete for a purse or premium. St. 1892, 167.

False representations to overseers of the poor, etc., for purpose of causing any person to be supported as a pauper. St. 1891, 343.

SECTS. 10, 11 amended. The penalties are modified. St. 1888, 135.

SECT. 20. The penalties are changed in certain cases. St. 1889, 458.

SECTS. 20, 37, 40. The embezzlement of property of voluntary associations is made a crime. St. 1884, 174; 1886, 328. (See 1887, 411, § 77.)

And of money, stocks or securities held by brokers under written directions for their disposal. St. 1892, 138. (See 1890, 437, § 3.)

SECT. 21. And the mutilation of a will. St. 1890, 391.

SECT. 56 is extended to agents, clerks, etc., of persons or firms, and to omissions to make true entries. St. 1885, 223.

SECT. 58. Fraudulent use of certain insignia is made an offence. St. 1887, 67; 1891, 15.

SECTS. 63, 64 extended to labels, stamps and trade-marks of labor and trade associations. St. 1890, 104.

SECT. 79. Wilful detention or mutilation of books, etc., of public or incorporated libraries are offences. St. 1883, 77, 81.

SECT. 95. See St. 1893, 403.

SECT. 99. Provision is made to prevent trespass on private land by persons with fire-arms, the defacing of notices, etc. St. 1884, 308; 1890, 403, 410. (See 1886, 276, § 4.)

And on lands appurtenant to prisons or houses of correction. St. 1885, 303.

SECT. 101. The tearing down, removal or defacing of a warrant, voting

or jury list, or other legal notice, is made punishable. St. 1883, 156; 1887, 147; 1888, 436, § 28; 1889, 413, § 28.

SECT. 103. Municipal, district and police courts are given concurrent jurisdiction in certain cases. The penalty is regulated. St. 1887, 293, § 2.

The wilful defacing and misuse of milk cans is made an offence. St. 1885, 133.

SECT. 106. The penalty is increased. One-half the fine is to go to the informant. St. 1889, 399.

SECTS. 107-109. The wilful or negligent setting of fires is made a crime. St. 1882, 163; 1886, 296.

Wilful or wanton destruction of property by a convict is punishable. St. 1891, 295.

Chapter 205.—Of Offences against Public Justice.

The following are made offences: Procuring fraudulent divorces. Unlawfully issuing certificates of divorce. Advertising, by one not a member of the bar, the business of procuring divorces. St. 1886, 342; 1887, 320; 1891, 59. Falsely representing one's self to be an attorney-at-law. St. 1891, 418.

Interference with police signal system. St. 1888, 291.

Trespass on lands appurtenant to prisons, disturbance of prisons and illicit communication with prisoners. St. 1885, 303. And illicit conveyance of articles to or from the men's reformatory prison. St. 1887, 339.

Commitments for contempt may be made to any jail and served in any county. St. 1886, 224.

SECT. 1. Penalty modified. St. 1892, 123.

SECTS. 9, 10 are extended. St. 1891, 349; 1892, 416.

SECTS. 11, 12 extended to county officers. St. 1893, 271.

Chapter 207.—Of Offences against Chastity, Morality and Good Order.

Punishments are provided: For keeping or resorting to a place where opium is used; St. 1885, 73. For the exhibition of deformed persons. St. 1884, 99. For unnatural and lascivious acts; St. 1887, 436. For sending to, or detaining in, a house of ill-fame any female as an inmate or servant; St. 1888, 311.

SECT. 2. Further provision made against seduction, unlawful intercourse and assistance thereto. St. 1886, 329; 1888, 311.

SECT. 9. The dying declarations of the woman are admissible in evidence. St. 1889, 100.

SECT. 15 is extended to include books and the like manifestly tending to the corruption of the morals of youth. St. 1890, 70.

The gift, sale or distribution, to or by minors, of papers devoted to criminal news is punishable. St. 1885, 305.

SECTS. 20, 29, 34, 35. Disorderly or indecent speech or behavior in public conveyances is punishable. St. 1883, 102.

SECT. 22 extended to licensed picnic groves. St. 1887, 445. (See 1885, 309.)

SECT. 23. Wilful disturbance of persons in a public library or reading room is made an offence. St. 1885, 225.

SECTS. 25-28 are repealed, and new provisions made as to proceedings and punishments in cases of drunkenness. St. 1891, 427; 1892, 303; 1893, 414, 445. (See 1885, 365, 375; 1886, 323, § 2; 1888, 377; 1891, 356; 1892, 160, 200.)

SECT. 29. Neglect to support wife or minor children is punishable. St. 1885, 176; 1893, 262. (See 1882, 270; 1884, 210.)

SECTS. 29, 42. Sentences under these sections regulated. St. 1884, 258; 1885, 365; 1886, 323; 1888, 49; 1892, 302. (See 1892, 303.)

SECTS. 49, 50. Removing flowers or memorial tokens from graves, etc., without authority is punishable. St. 1888, 395.

SECTS. 52-54. The docking of horses' tails is forbidden under penalty. St. 1889, 267.

The payment of fines to informers under these sections is regulated. St. 1889, 267; 1891, 304, 416.

SECT. 69 is extended. St. 1885, 316; 1893, 436.

Chapter 208. — Of Offences against Public Health.

Penalties are provided for: Sale or gift of cigarettes, snuff or tobacco to children under sixteen; St. 1886, 72. Feeding, or keeping with intent to feed garbage, offal, etc., to milch cows; St. 1889, 326. Sale of clothing made in unhealthy places; St. 1891, 357; 1892, 296; 1893, 246. Manufacture or sale of toys or confectionery containing arsenic; St. 1891, 374. Pollution of water supplies; St. 1884, 172. Neglect, after notice by board of health, to repair private drain in street; St. 1893, 312. Creating a nuisance by smoke in large cities; St. 1893, 353. Adulteration of food or drugs; St. 1882, 263; 1884, 289; 1886, 171; 1891, 319. (See 1883, 263.) (As to milk and butter, see 1884, 310; 1885, 352; 1886, 317, 318.) Sale for medicinal purposes of drugs, etc., without being a registered pharmacist; St. 1885, 313, § 9.

SECT. 6. The regulations as to sale of poisons are revised. St. 1888, 209. (See 1885, 313; 1887, 38.)

Chapter 209. — Of Offences against Public Policy.

Provision to prevent lotteries and policy lotteries. St. 1892, 409.

Property shall not be sold or exchanged under the inducement of any gift or prize. St. 1884, 277.

Pretending, in writing, to hold a degree of a college or school, or the approval of a college or professional school of a person, process, treatment, or goods, and granting degrees without authority, are made offences. St. 1893, 355. (See 1883, 268.)

Coercing or compelling a person, as a condition of employment, to agree not to join a labor organization is made an offence. St. 1892, 330.

SECTS. 11-13. See St. 1892, 167.

Chapter 210. — Of Felonies, Accessories, Abettors and Attempts to commit Crimes.

Provision is made for the ascertainment and punishment of habitual criminals. St. 1887, 435. And for the registration and identification of certain criminals. St. 1890, 316.

Chapter 211. — Of Proceedings to prevent the Commission of Crimes.

SECT. 6 extended to all criminal cases. St. 1890, 440, § 13.

Chapter 212. — Of Search Warrants, Rewards, Arrests, Examination, Bail and Probation.

Police matrons are provided for in certain cities. St. 1887, 234; 1888, 181.

Provisions in regard to arrest of children under twelve. St. 1882, 127.

SECT. 2. Tickets and other materials for pool selling are added. St. 1885, 342, § 2. Also personal property, insured against fire, concealed to defraud an insurance company. St. 1890, 284. (See 1890, 452.)

Property seized under St. 1890, 284, shall be disposed of as the court orders. St. 1890, 452.

SECT. 9 is extended to gaming apparatus and certain other articles. St. 1885, 66.

SECT. 15. If magistrate deems complaint unfounded, frivolous or malicious, he may refuse fees to complainant. St. 1890, 440, § 13.

SECT. 16. A summons shall issue instead of a warrant "unless there is reason to believe that the accused will not appear upon a summons." St. 1890, 225.

SECTS. 17, 20. Warrants and other criminal process may be directed to and served by officers in any county. St. 1886, 247.

SECT. 26. On adjourning a trial or examination where the offence is punishable with death or imprisonment for life, material witnesses for the government may be bound over according to sections 37-41 of this chapter. St. 1885, 136.

Another justice may complete adjourned proceedings. St. 1883, 175.

SECTS. 36-40. Provision for detention of witnesses in cases of felony, pending pursuit and apprehension of offender. St. 1892, 361. (See St. 1893, 396, § 48.)

SECTS. 37-41. See St. 1885, 136, § 2.

SECT. 51. The latter clause of this section, forbidding justices to receive compensation for taking bail, is repealed. St. 1885, 135.

SECT. 68. Money may be deposited with any officer authorized to take recognizance. St. 1882, 134.

SECTS. 74-78 repealed, and new provisions made as to probation officers. St. 1891, 356, 427; 1892, 242, 276. (See 1882, 125; 1892, 303.)

SECT. 81 amended. St. 1886, 101, § 4.

Chapter 213. — Of Indictments, Prosecutions and Proceedings before Trial.

SECT. 15. See St. 1887, 367.

SECT. 16 *et seq.* See St. 1886, 328, § 2; 1887, 436.

SECT. 17 repealed and a substitute passed. St. 1886, 53. (See 1885, 144.)

SECTS. 15, 30. The support of such insane persons is to be paid by the State. St. 1883, 148; 1889, 90.

SECT. 28 *et seq.* The superior court has exclusive original jurisdiction in capital cases. St. 1891, 379. (See 1893, 324, 365, 394.)

SECTS. 29, 30 repealed. St. 1891, 379, § 14.

SECTS. 33-35. Police officers may serve subpoenas when requested by district attorney. St. 1890, 440, § 6.

SECT. 35. In cases of felony, witnesses committed may be held a reasonable time pending pursuit and apprehension of the offender. St. 1892, 361.

SECT. 38 not affected by St. 1891, 379, § 4. St. 1893, 365.

Chapter 214. — Of Trials and Proceedings before Judgment.

SECT. 1. Order of trials in criminal cases regulated. St. 1884, 193; 1889, 432.

SECT. 16. See St. 1887, 367.

SECTS. 19, 20. The support of such insane person is to be paid by the State. St. 1883, 148; 1889, 90.

Chapter 215. — Of Judgment and Execution.

Provision made for the ascertainment and punishment of habitual criminals. St. 1887, 435. And for registration and identification of certain criminals. St. 1890, 316.

Warrants for commitment for non-payment of fines regulated. St. 1891, 416, § 2.

Convicts may be sent to jail instead of house of correction, and may be transferred from one to the other. St. 1882, 241.

Commitment may be made at same time on several sentences. St. 1884, 265.

Prisoners in State institutions shall not be employed outside the precincts of such institution in any mechanical or skilled labor for private parties. St. 1891, 209.

SECTS. 2, 5. Taxing costs against defendants in criminal cases is restricted and payment of expenses regulated. St. 1890, 440; 1891, 325.

Expense of serving warrant of commitment shall be deemed part of expense of prosecution. St. 1890, 328.

SECT. 15. Sentences of women regulated. St. 1889, 113.

SECT. 18 is revised. St. 1882, 127.

SECT. 22. A prisoner in the Massachusetts reformatory may be sent to State prison or house of correction on conviction of an offence punishable by imprisonment therein. St. 1891, 200.

Chapter 216. — Of Fire Inquests.

This chapter is repealed, and the laws as to fire inquests revised. St. 1889, 451; 1891, 229. (See 1886, 296; 1887, 214; 1888, 199.)

Chapter 217. — Of Fines, Forfeitures and Costs.

Expense of serving warrant of commitment shall be deemed a part of expense of prosecution. St. 1890, 328.

SECT. 6. See St. 1890, 353.

SECTS. 8, 9. Taxation, certification and payment of costs and fines regulated. St. 1890, 218, 440; 1891, 236, 392, 416. (See 1889, 469.)

SECT. 13 repealed. St. 1890, 218, § 3.

SECT. 15 is repealed, and method of accounting for moneys received under section 14 established. St. 1891, 416.

Chapter 218. — Of Fugitives from Justice and Pardons.

SECT. 6 repealed. Payment of expenses of requisitions regulated. St. 1886, 267.

SECT. 14. Sentences after breach of condition of a pardon regulated. St. 1882, 197.

Chapter 219. — Of the Commissioners of Prisons.

The commissioners must make reports to the governor at least once in six months. St. 1893, 428.

Powers and duties of commissioners in regard to the reformatory prescribed. St. 1884, 255, 331.

The governor may remove commissioners at pleasure. St. 1893, 453.

Registration and measurement of certain convicts provided for. St. 1890, 316. (See 1892, 313.)

Surgical treatment of prisoners provided for. St. 1882, 207.

The authorities of State of Vermont are granted permission to detain in and transport through this State convicts sentenced in Vermont. St. 1892, 423.

SECT. 3. Secretary's salary fixed. St. 1886, 225. (See 1884, 331, § 4.)

SECT. 4. Transfer of prisoners regulated. St. 1882, 207, 241; 1885, 35; 1887, 292, 375; 1888, 192; 1890, 180, 278.

State prison convicts may be graded and classified. St. 1892, 267. (See 1891, 372.)

SECT. 6. Vagrants and tramps may be removed to the State farm. St. 1885, 35, § 1. (See 1887, 264.)

SECT. 14 *et seq.* Labor in prisons and employment of prisoners regulated. St. 1883, 217; 1885, 94; 1887, 447; 1888, 22, 189, 403; 1891, 209, 228, 371.

SECTS. 17, 18 repealed. St. 1888, 403, § 6.

SECTS. 26–30. Provision for aid for female prisoners discharged without sentence. St. 1886, 177.

Further provisions for aiding discharged prisoners. St. 1887, 315, 336, 395; 1888, 322, 417.

Additional agents authorized. St. 1887, 315. Salary of agent provided for. St. 1888, 330.

SECT. 32. See St. 1889, 245.

SECTS. 34, 35 *et seq.* Reports and returns are regulated. St. 1882, 226; 1891, 187; 1892, 290, § 2.

SECT. 36 repealed. St. 1882, 226, § 3.

SECT. 39. Allowance made for clerical assistance. St. 1888, 328. (See 1885, 52.)

Chapter 220.—Of Jails and Houses of Correction.

Police matrons and stations for the detention of women are required in certain cities. St. 1887, 234; 1888, 181.

A general superintendent of prisons is provided for. St. 1887, 447, § 6. (See 1888, 403, § 8.)

SECT. 2. The sheriff may transfer prisoners between jails and houses of correction. St. 1882, 241. (See 1890, 278.)

SECT. 7 *et seq.* Commissioners of public institutions of Boston substituted for directors for public institutions. St. 1889, 245.

SECTS. 13, 14. Contract labor is forbidden in certain prisons. St. 1887, 447; 1888, 22. (See 1888, 403.)

SECT. 19. See St. 1891, 426.

SECT. 36. The requirement of whitewashing is stricken out. St. 1886, 226.

SECT. 40 *et seq.* Labor in prisons and employment of prisoners are regulated. St. 1883, 217; 1885, 94; 1887, 447; 1888, 22, 189, 403; 1891, 209, 228, 371.

SECT. 49. Clerical error corrected. St. 1882, 6, § 4.

SECT. 50. Escapes of prisoners employed outside are punishable. St. 1882, 198. (See 1885, 94.)

SECT. 53 *et seq.* Invoice books of supplies must be kept. St. 1890, 296. (See 1889, 294.)

SECTS. 54, 55. The purchase of tools, materials, machinery, etc., and sale of manufactured goods provided for and regulated. St. 1887, 447; 1888, 403, § 3; 1891, 228. (See 1891, 371.)

Funds not required for immediate use must be deposited. St. 1890, 215.

Payment of funds regulated. St. 1893, 270.

SECT. 60 *et seq.* See St. 1882, 113.

SECTS. 66, 68. Further provisions made as to release of prisoners on probation. St. 1884, 152.

SECT. 69 applies to St. 1891, 356.

Chapter 221.—Of the State Prison and the Reformatory Prison for Women.

A general superintendent of prisons is provided for. St. 1887, 447, § 6.

The prison at Concord is made a reformatory prison for men, and the State prison is re-established at Boston. St. 1884, 255, 331. (See 1891, 215.)

An act to provide for the building of a State prison. St. 1893, 441.

The list of officers of the State prison is revised and salaries fixed. St. 1889, 412; 1893, 455, 456. (See 1882, 203; 1884, 95; 1887, 355; 1888, 264.)

And of the officers of the reformatory prison for men. St. 1890, 255; 1893, 333. (See 1888, 335; 1889, 408; 1890, 267.)

And of the reformatory prison for women. St. 1883, 267; 1884, 43; 1887, 341; 1888, 327.

Sentences to the men's reformatory are regulated. St. 1885, 365; 1886, 323; 1888, 49; 1891, 427, § 5; 1892, 302, 303. (See 1884, 255, §§ 8-11; 1885, 35, 320, 356; 1891, 200.)

Sentences of prisoners in the reformatory, convicted of offences punishable by imprisonment in the State prison or house of correction, are regulated. St. 1891, 200. (See 1892, 302.)

The description and measurement of convicts by the "Bertillon" system is provided for. St. 1890, 316.

Removals and transfers of prisoners regulated. St. 1882, 207, 241; 1885, 35, 320; 1887, 292, 375; 1888, 192; 1890, 180. (See 1884, 255.)

Labor in prisons and employment of prisoners regulated. St. 1883, 217; 1885, 94; 1887, 447; 1888, 22, 189, 403; 1891, 209, 228, 371. (See 1884, 255.)

The purchase of machinery, tools and materials and sale of manufactured goods, are regulated. St. 1887, 447, §§ 3, 4; 1888, 403, § 3; 1891, 228.

State prison convicts may be punished for wilful or wanton destruction of property. St. 1891, 295.

The illicit conveyance of articles to or from the men's reformatory is made punishable. St. 1887, 339. And trespass on prison lands and disturbance of prisons and illicit communication with prisoners. St. 1885, 303.

SECTS. 6, 7 repealed. St. 1882, 203, § 4.

SECT. 6 *et seq.* The removal of subordinate officers is regulated. St. 1887, 355; 1890, 267. (See 1888, 264; 1889, 412.) Subordinates must give bond and be sworn. St. 1893, 426.

SECT. 8 amended. St. 1887, 355.

SECT. 25 *et seq.* Provision made for grading and classifying prisoners in the State prison. St. 1892, 267. (See 1891, 372.)

SECT. 27 amended. Words "or printing" stricken out. St. 1888, 189.

SECT. 30. Schools for the prisoners are provided for. St. 1886, 197.

SECT. 43 *et seq.* Female convicts of the United States courts are to be sent to the reformatory for women. St. 1887, 426.

Prisoners may be employed on land or in building appurtenant to reformatory. St. 1885, 94.

Transfers and removals of female prisoners regulated. St. 1888, 192.

Escapes and attempts to escape are made punishable. St. 1885, 94. (See 1882, 198.)

A burial place is provided for. St. 1882, 213.

A sewerage system is provided for. St. 1887, 403; 1892, 211.

SECT. 52. Further provisions made as to permits. St. 1884, 152, 255, §§ 33, 34; 1888, 192, 317. (See 1887, 435, § 2.)

SECTS. 54, 55. Method of approval of bills and contracts changed. St. 1888, 403, § 7; 1889, 294. (See 1884, 255, §§ 28, 30; 1888, 337.)

Chapter 222. — Special Provisions concerning Penal and Other Public Institutions.

Masters of jails having public funds must deposit all not required for immediate use. St. 1890, 215.

Payment of funds regulated. St. 1893, 270.

No prisoner in any State institution shall be employed outside in mechanical or skilled labor for private parties. St. 1891, 209.

Prisoners or inmates of institutions suffering from syphilis shall have medical treatment and may be isolated. St. 1891, 420.

SECT. 10. Further provisions concerning removal of insane prisoners in the reformatory for men. St. 1885, 320.

SECTS. 10, 11, 25. See St. 1886, 101, § 4.

SECTS. 10, 12, 14. See St. 1887, 367.

SECT. 17. A trial justice may act, if there is no police or district court in the county. St. 1882, 201.

SECT. 20 does not apply to persons sentenced to the reformatory. St. 1886, 323, § 7.

SECTS. 20, 21. Releases on probation are further regulated. St. 1884, 152, 255, §§ 33, 34; 1887, 435, § 2; 1888, 317.

SECT. 25. See St. 1891, 420, § 2.

II.

CHANGES IN THE GENERAL STATUTES PASSED SINCE THE
ENACTMENT OF THE "PUBLIC STATUTES."

[The changes are more fully stated in Table I. under the appropriate chapter of the Public Statutes.]

Statutes of 1882.

- Chap.
 28. Repealed. 1890, 423, § 228. (See 1885, 108; 1893, 417.) P. S. 7.
 29. Repealed. 1886, 66. (See 1891, 24.) P. S. 5.
 36. Amended. 1888, 114. P. S. 52.
 41, § 2 superseded. 1887, 163, § 2. P. S. 154.
 43. Affected. 1885, 132. P. S. 154.
 63. Superseded. 1886, 307. P. S. 154.
 65. Repealed. 1885, 247. P. S. 91.
 74. Repealed. 1884, 299, § 44. (See 1890, 423; 1893, 417.) P. S. 7.
 76. Affected. 1888, 363. P. S. 11.
 77. Amended. 1884, 72. Affected, 1883, 258, § 2; 1886, 300; 1887, 214, § 95. P. S. 116.
 87. Superseded. 1886, 167. P. S. 154.
 94. Superseded. 1882, 225. P. S. 112.
 95. See 1893, 396, §§ 25-29. P. S. 154.
 97. Superseded. 1887, 411, § 23. (See 1893, 367, § 23.) P. S. 14.
 102. Amended. 1884, 245. P. S. 91.
 103. Affected. 1883, 109, § 1. P. S. 19.
 106. Amended. 1883, 74. Affected, 1884, 330, § 3; 1886, 230; 1891, 341. P. S. 13, 105.
 108, § 1 amended. 1888, 313. P. S. 53.
 111. Repealed. 1886, 38. P. S. 16.
 125. Repealed. 1891, 356. (See 1891, 427; 1892, 242, 276, 303.) P. S. 112.
 127, § 2 amended. 1886, 101, § 4. P. S. 89.
 129. Superseded. 1893, 469. (See 1886, 184; 1889, 251.) P. S. 158.
 135. Shall not apply to provisions of 1890, 428. (See 1885, 194.) P. S. 112.
 139. Extended. 1883, 252; 1889, 197. P. S. 18.

Statutes of 1882 — Continued.

Chap.

- 144. Superseded. 1893, 469. P. S. 158.
- 146. Affected. 1886, 15. P. S. 154.
- 148. Superseded. 1889, 77, 321; 1892, 248. (See 1886, 252.) P. S. 116.
- 154, § 1 amended. 1890, 240. Affected, 1884, 226; 1893, 300, 416,
§ 11. (See 1887, 411, §§ 90, 108; 1893, 367, §§ 90, 108.)
- 157. Affected. 1888, 289. P. S. 17.
- 158. Superseded. 1889, 440, § 10; 1891, 293. P. S. 4.
- 163. Affected. 1886, 296, § 3. P. S. 35, 203.
- 165. Amended. 1887, 125. P. S. 11.
- 166, § 1 amended. 1884, 317. (See 1893, 201.) P. S. 91.
- 176. In part repealed. 1884, 197. P. S. 154.
- 178. Superseded. 1887, 411, § 127. (See 1893, 367, § 127.) P. S. 14.
- 179. Superseded. 1887, 411, § 124. (See 1893, 367, § 124. Res.
1890, 67.) P. S. 14.
- 181, § 3 amended. 1886, 330; 1888, 248. §§ 1, 2, 3 amended, 1886,
101, § 4. Affected, 1883, 232; 1893, 217, 252. P. S. 48, 86.
- 195, § 1 repealed. 1888, 449, § 21. P. S. 119.
- 196. Repealed. 1888, 24. P. S. 5.
- 199. Affected. 1886, 276, § 11. P. S. 92.
- 200, § 1 affected. 1886, 77. P. S. 116.
- 203. Repealed. 1888, 264, § 3; 1889, 412. (See 1884, 95; 1887,
355.) P. S. 221.
- 205. Repealed. 1888, 274, § 3. (See 1892, 104, 328.) P. S. 152.
- 208. Affected. 1883, 173; 1892, 419, § 138.
- 212. Affected. 1883, 105; 1887, 31; 1888, 256. § 2 amended, 1888,
333. § 6 affected, 1885, 327. P. S. 20.
- 217. Affected. 1887, 32. § 1 amended, 1888, 323. P. S. 11.
- 219. Affected. 1884, 122. P. S. 45.
- 223. Superseded. 1893, 280. (See 1893, 194.) P. S. 146.
- 224. Repealed. 1890, 168. (See 1883, 202.) P. S. 116.
- 226, § 2 affected. 1892, 290. P. S. 219.
- 227, § 3 amended. 1883, 75; 1889, 122. P. S. 154.
- 231. Repealed. 1887, 423. (See 1885, 124; 1888, 90, § 2; 1890,
369) P. S. 116.
- 232, § 1 amended. 1886, 37, § 2; 1890, 294. P. S. 159.
- 233. Amended. 1886, 165, 166. § 6 in part superseded, 1889, 19;
1892, 93; 1893, 479. P. S. 154.
- 237. Extended. 1885, 283. Amended, 1890, 427, § 1. Affected,
1893, 340. (See 1889, 442.) P. S. 176.

Statutes of 1882 — *Concluded.*

Chap.

242. Affected. 1885, 90. P. S. 100.
243. Repealed. 1888, 390, § 95. P. S. 12.
244. Affected. 1886, 125. Extended, 1890, 181. P. S. 112, 115.
- 245, § 1 superseded in part. 1886, 15, 37, 130, 166; 1888, 195; 1889, 97, 158, 174, 218, 277, 289; 1892, 100, 1893, 479. § 2 superseded, 1887, 160; 1892, 233. P. S. 154, 159.
246. Affected. 1885, 345, § 6. P. S. 40.
247. Repealed. 1884, 298, § 53. (See 1890, 423; 1893, 417.) P. S. 6.
250. Repealed. 1885, 122. P. S. 102.
251. Amended. 1885, 121. In part repealed, 1887, 216. P. S. 117.
252. Repealed. 1892, 419, § 138. P. S. 11, 104.
253. Superseded. 1891, 396. P. S. 9.
257. Superseded in part. 1887, 116. P. S. 2.
260. Repealed. 1890, 423, § 228. (See 1893, 417.) P. S. 7.
263. Amended. 1883, 263, § 1; 1884, 289; 1886, 171. Affected, 1885, 352, § 5; 1886, 317, 318; 1891, 319. § 5 amended, 1886, 101, § 4. P. S. 208.
- 265, § 3 affected. 1884, 279. P. S. 112.
266. Affected. 1887, 218, 276; 1888, 426. P. S. 104.
268. Repealed. 1884, 298, § 53. (See 1890, 423, § 228; 1893, 417.) P. S. 6.
- 270, § 3 amended. 1886, 101, § 4. In part repealed, 1892, 318, § 16. § 4 amended, 1884, 210; 1885, 176; 1893, 262. (See 1889, 309, 416; 1891, 194.) P. S. 48.
272. Affected. 1884, 76. P. S. 102.
- 274, § 2 repealed. 1883, 183, § 3. P. S. 94.

Statutes of 1883.

33. Repealed. 1887, 214, § 112. (See 1891, 368; 1892, 47.) P. S. 119.
36. Repealed. 1886, 276, § 11. P. S. 92.
- 41, § 1 affected. 1887, 86, § 2. P. S. 11.
42. Repealed. 1890, 423, § 228. (See 1884, 299, §§ 29-32; 1886, 262; 1888, 164; 1893, 417.) P. S. 7.
48. Superseded. 1887, 26. P. S. 15.
52. Amended. 1883, 248; 1886, 77. P. S. 116.
53. Superseded. 1888, 235. P. S. 154.
54. Superseded. 1886, 37; 1890, 294. P. S. 159.
55. Superseded. 1891, 292. (See 1885, 369, § 3; 1888, 85; 1889, 440.) P. S. 4.

Statutes of 1883 — Continued.

Chap.

- 57. Superseded. 1885, 155, § 5. P. S. 155.
- 61. Affected. 1888, 180. P. S. 26.
- 62. Affected. 1886, 281; 1888, 346. P. S. 183.
- 71. Superseded. 1892, 96. (See 1886, 73; 1889, 103.) P. S. 11.
- 76. Affected. 1884, 199; 1886, 163; 1889, 392; 1890, 336. P. S. 91.
- 78. Affected. 1885, 339, § 3; 1886, 319, § 2. P. S. 87.
- 80, § 2 superseded. 1886, 106, § 2. P. S. 154.
- 93. Superseded. 1890, 242. (See 1887, 86.) P. S. 11.
- 97, § 2 superseded. 1891, 107. (See 1888, 233) P. S. 117.
- 98. Affected. 1885, 121; 1887, 216. P. S. 117.
- 101. Repealed. 1888, 390, § 95. P. S. 12.
- 105. Affected. 1887, 31; 1888, 333. P. S. 20.
- 107. Repealed. 1887, 214, § 112. P. S. 119.
- 110. Amended. 1886, 101, § 4. P. S. 89.
- 113. Affected. 1883, 154. P. S. 1.
- 117. Amended. 1888, 240. Extended, 1891, 129. P. S. 112.
- 118. Affected. 1889, 457. P. S. 68.
- 120. Superseded. 1887, 448, § 2. (See 1892, 388.) P. S. 99.
- 124, § 1 superseded. 1888, 306, § 2. § 2 amended, 1887, 335.
P. S. 32.
- 126. Repealed. 1887, 214, § 112. P. S. 119.
- 133. Superseded. 1889, 193. P. S. 80.
- 138. Amended. 1886, 101, § 4; 1893, 302. (See 1884, 98.) P. S. 80.
- 142. Affected. 1889, 299. P. S. 82.
- 145. Affected. 1884, 237; 1886, 210. P. S. 50.
- 148, §§ 2, 3 amended. 1889, 90. P. S. 87.
- 156. Extended. 1887, 147; 1888, 436, § 28. P. S. 203.
- 157. Limited. 1884, 275, § 4. Affected, 1887, 280; 1892, 357. P. S.
48, 74.
- 158. Amended. 1889, 288. P. S. 32.
- 164. Repealed. 1886, 38. (See 1886, 334.) P. S. 16.
- 168. Affected. 1892, 331. P. S. 68.
- 173. Repealed. 1892, 419, § 138. P. S. 104.
- 174. Affected. 1886, 236; 1887, 433, § 4. (See 1893, 208.) P. S. 44.
- 175. Affected. 1890, 202. P. S. 155.
- 187. Affected. 1884, 169. (See 1893, 418.) P. S. 102.
- 202. Repealed. 1890, 168. P. S. 116.
- 203. Repealed. 1893, 417. (See 1886, 150.) P. S. 27.
- 216. Amended. 1886, 51; 1887, 289. (See 1888, 282.) P. S. 159.

Statutes of 1883—*Concluded.*

Chap.

217. Affected. 1887, 447, § 8; 1888, 189, 403, § 2; 1891, 371. P. S. 219, 220, 221.
218. Amended. 1884, 70. P. S. 60.
221. Extended. 1889, 398, 434. P. S. 27, 109.
223. Affected. 1885, 384. § 5 amended, 1884, 316; 1892, 440. § 7 amended, 1893, 61. § 17 affected, 1887, 383. P. S. 151, 152.
224. Repealed. 1888, 348, § 12. (See 1885, 222; 1892, 352.) P. S. 48.
229. Repealed. 1890, 423, § 228. (See 1885, 261; 1891, 32; 1893, 417.) P. S. 7.
230. Repealed. 1887, 94. P. S. 58.
232. Affected. 1893, 217, 252. § 3 amended, 1886, 101, § 4. (See 1886, 330, § 2; 1888, 248.) P. S. 84. .
235. Repealed. 1887, 214, § 112. P. S. 119.
239. In part repealed. 1886, 298. P. S. 87.
243. Affected. 1887, 270; 1888, 155; 1892, 260; 1893, 359. P. S. 112.
244. Superseded. 1893, 469. (See 1888, 112.) P. S. 158.
251. Repealed so far as it relates to Boston. 1892, 419, § 138. Affected, 1884, 223; 1888, 86. § 2 repealed, 1888, 426, § 14. P. S. 104.
252. Extended. 1889, 197. P. S. 18.
257. Affected. 1884, 307; 1885, 150. P. S. 60.
258. In part repealed. 1886, 300; 1887, 214, § 112. P. S. 116, 119.
260. Affected. 1887, 98. P. S. 97.
262. Not repealed by 1885, 302. P. S. 82.
263. Superseded. 1884, 289, § 6. (See 1891, 319.) P. S. 208.
267. Affected. 1887, 447; 1888, 403; 1889, 294. P. S. 221.
268. See 1893, 355. P. S. 209.

Statutes of 1884.

4. Superseded. 1888, 115. P. S. 31.
8. Superseded. 1891, 411. P. S. 15.
- 14, § 2 amended. 1887, 128. P. S. 5.
- 15, § 1 repealed. 1889, 101. (See 1890, 239.) P. S. 15.
- 22, § 1 repealed. 1891, 177. P. S. 43.
34. Repealed. 1889, 301, § 10. (See 1890, 447.) P. S. 30.
38. Superseded. 1891, 429. (See 1887, 221.) P. S. 15.
42. Affected. 1886, 76. P. S. 27.

Statutes of 1884 — Continued.

Chap.

- 45. Superseded. 1887, 411, § 128. (See 1893, 367, § 128.) P. S. 14.
- 52. Affected. 1888, 426. (See 1892, 419.) P. S. 104.
- 55. Repealed. 1887, 214, § 112. P. S. 119.
- 56. Repealed. 1884, 168. (See 1886, 69.) P. S. 116.
- 58. Repealed. 1887, 214, § 112. P. S. 119.
- 64. Amended. 1885, 198. P. S. 47.
- 65. Superseded. 1887, 318. P. S. 154.
- 74. Repealed. 1887, 214, § 112. P. S. 119.
- 78. Affected. 1887, 404; 1891, 265. P. S. 39.
- 79. Superseded. 1888, 385. P. S. 15.
- 88. Repealed. 1886, 298. P. S. 87.
- 95, § 1 repealed. 1889, 412, § 2. (See 1888, 264.) P. S. 221.
- 98, § 1 revised. 1890, 102. § 2 added to, 1891, 188. (See 1893, 302.) P. S. 80.
- 103. Affected. 1885, 161. P. S. 44.
- 118. Repealed. 1887, 217. P. S. 156.
- 119. Repealed. 1887, 214, § 112. (See 1891, 233.) P. S. 119.
- 120. Repealed. 1887, 214, § 112. (See 1891, 368; 1892, 47.) P. S. 119.
- 125. Repealed. 1888, 437, § 6. P. S. 28.
- 129. Affected. 1891, 321; 1892, 245, § 7. P. S. 29.
- 131. Affected. 1884, 291. P. S. 130.
- 140. In part superseded. 1887, 156. P. S. 156.
- 152. Affected. 1884, 255, §§ 33, 34; 1886, 323; 1888, 317. P. S. 220, 221.
- 155. Superseded. 1890, 309. P. S. 48.
- 162. Repealed. 1888, 390, § 95. P. S. 12.
- 166. Repealed. 1885, 369, § 4. (See 1889, 440.) P. S. 4.
- 168. Affected. 1886, 69. P. S. 116.
- 171. Amended. 1890, 193; 1891, 138. (See 1888, 276.) P. S. 91.
- 174. Extended. 1886, 328. P. S. 203.
- 177. Repealed. 1887, 214, § 112. P. S. 119.
- 178. Repealed. 1887, 214, § 112. P. S. 119.
- 179. Affected. 1888, 322. §§ 3, 4 amended, 1890, 58; 1891, 54. P. S. 16.
- 180. Revised. 1887, 214, §§ 62-64. Extended, 1889, 378. P. S. 106.
- 181. In part repealed. 1886, 174. § 9 repealed, 1888, 437, § 6. (See 1885, 156.) P. S. 31.
- 185. Affected. 1886, 259, § 2. P. S. 102.
- 188. Superseded. 1893, 396, § 56. P. S. 154.

Statutes of 1884 — *Continued.*

Chap.

- 190. Repealed. 1885, 186. P. S. 103.
- 191. Affected. 1884, 286; 1887, 406; 1888, 297. P. S. 100.
- 192. Superseded. 1893, 469. P. S. 158.
- 193. Amended. 1889, 432. P. S. 214.
- 197, § 1 superseded. 1887, 117. P. S. 154.
- 199. Affected. 1886, 163; 1889, 292; 1890, 336. P. S. 91.
- 204. Superseded. 1891, 190. P. S. 154.
- 210. Superseded. 1885, 176. (See 1893, 262.) P. S. 207.
- 212. Affected. 1885, 256; 1890, 293; 1891, 122. Amended, 1887, 314. P. S. 91.
- 215, § 3 amended. 1888, 212. § 4 amended, 1885, 286. In part superseded, 1893, 417. P. S. 154.
- 217. Repealed. 1887, 214, § 112. P. S. 119.
- 222. Affected. 1886, 242. P. S. 112.
- 223, § 2 amended. 1888, 86. Repealed so far as relates to Boston, 1892, 419, § 138. P. S. 104.
- 226. Affected. 1887, 124. P. S. 51.
- 230. Superseded. 1893, 367. (See 1887, 411.) P. S. 14.
- 231. Affected. 1886, 333; 1887, 227. P. S. 154.
- 232. Affected. 1885, 378; 1887, 250, 252; 1892, 195, 432; 1893, 306. P. S. 58, 90.
- 234, § 3 amended. 1886, 101, § 4. P. S. 87.
- 235. Repealed. 1887, 214, § 112. P. S. 119.
- 236. Amended. 1885, 353; 1889, 406. Affected, 1888, 405. § 9 amended, 1890, 387. P. S. 157.
- 237. Affected. 1886, 210. P. S. 51.
- 242. Repealed. 1888, 390, § 95. (See 1886, 320.) P. S. 12.
- 247. Repealed. 1885, 141. (See 1889, 197.) P. S. 155, 169.
- 248. Superseded. 1893, 469. P. S. 158.
- 249. Affected. 1893, 191. P. S. 148.
- 253. Amended. 1889, 91. P. S. 116.
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- 264. Repealed. 1890, 423, § 228. (See 1888, 146; 1891, 242; 1892, 190, 405; 1893, 417.) P. S. 7.
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Commonwealth of Massachusetts.

OFFICE OF THE SECRETARY, BOSTON, Aug. 10, 1893.

I certify that the acts and resolves contained in this volume are true copies of the originals, and that the accompanying papers are transcripts of official records and returns.

I further certify that the tables showing what general statutes have been affected by subsequent legislation have been prepared, and are printed as an appendix to this edition of the laws, by direction of the governor, in accordance with the provisions of Chap. 238 of the Acts of 1882.

WILLIAM M. OLIN,

Secretary of the Commonwealth.

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